

CITY COUNCIL

Meeting Agenda

REGULAR MEETING
2013
COUNCIL CHAMBERS

MONDAY, OCT. 28,
7:00 P.M.

The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at www.ReadingPa.gov, under Info and Downloads/Meetings and Agenda. All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No. 27-2012.

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Pastor Eileen Smith LeVan, Nativity Lutheran Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

None

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and

shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

4. APPROVAL OF AGENDA

A. MINUTES: Regular Meeting of October 14, 201

B. AGENDA: Regular Meeting of October 28, 2013

5. Consent Agenda Legislation

A. Resolution 84-2013 – denying the 2011 tax exoneration request from Journey Fellowship for 600 Alton Ave **(Council Staff)**

B. Resolution -2013 – Deny the request for a small stone marker commemorating the Civil War field hospital that was located near the present day comfort station in City Park and approving a historical marker, similar to those installed by the Pennsylvania Historical and Museum Commission on or around the comfort station as approved by the Public Works Operations Division Manager. **(Council Staff)**

C. Award of Contract - for the LED Light Project to Telco, Inc., Reading, with total bid price of \$60,770.70 **(Purchasing)**

D. Award of Contract - for the Uniform bid to Aramark Uniform Services, 424 Reading, who is the low bidder with total bid price of \$49,344.36 for uniforms, \$1,123.20 for towels and \$8,604.96 for mats for a three year contract. **(Purchasing)**

E. Award of Contract – for the Fire/Building/Trades Software Project to Trade Master/Mobile Eyes, Troy, MI with total price of \$72,962.00. **(Purchasing)**

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

None

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 44-2013 - Authorizing the transfer of \$56,363 from the General Fund account code (01-07-74-4101) Light and Power to account code (01-07-74-4216) Contracted Services for the purpose of payment to Susquehanna Municipal Finance for the Honeywell contract. **(Pub Works) Introduced at the Sept 23 regular meeting; Tabled at the Oct 14 regular meeting Tabled at the Oct 14th regular meeting**

B. Bill No. 49-2013 – amending Chapter 576 – Vehicles and Traffic, Part 12 Parades, Special Events, and Public Gatherings by making clarifications to the terms of the ordinance **(Bus Analyst) Introduced at the Sept 23 regular meeting; Advertised Oct 7th; Tabled at the Oct 14th regular meeting**

C. Bill No. 50-2013 – Authorizing the transfer of \$ Transfer of \$300,000 from the 2013 General Fund Account 01-14-91-4739, Contingency, to 01-12-25-4216 Special Counsel - Contracted Services **(Bus Analyst) Introduced at the Oct 14 regular meeting**

D. Bill No. 51-2013 – Amending the Administrative Code, Chapter 5, Section 208 Rules Of Procedure, by correcting the conflict regarding the submission of legislation and matters for inclusion on an agenda **(Council Staff) Introduced at the Oct 14 regular meeting**

E. Bill No. 52-2013 – Amend the Administrative Code, Chapter 5, Section 203 Organization Meeting by eliminating the need to hold an organizational meeting during the first meeting of each year **(Council Staff) Introduced at the Oct 14 regular meeting**

F. Bill No. 53-2013 – Amending Chapter 508, Section 700 of the City Code Book relating to street cuts making clarifications and changing the fee schedule for street cuts on streets that have been repaved **(Business Analyst) Advertised on October 21st, Introduced at the Oct 14 regular meeting**

G. Bill No. 54-2013 – Amending the Act 47 Recovery Plan by reducing the Commuter and Home Rule Resident EIT by 0.1%. **(PFM/Council Staff/Law) Introduced at the Oct 14 regular meeting**

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance – creating a process to handle requests for memorials on public property and creating a moratorium on the addition of new memorials on public property **(Business Analyst Work Group) Advertised on Nov 4th;**

B. Ordinance – amending the Administrative Code, Exhibit A Purchasing Policies And Procedures, Section 11 Bid Evaluation, Parts 11.4.5 And 11.4.6, by reducing the amount required for contract approvals to \$25,000 which will bring the section into compliance with the expenditure reduction approved in Bill No. 14-2012 **(Council Staff)**

C. Ordinance – authorized to execute an Easement Agreement (attached as Exhibit “A”) to convey unto the Muhlenberg Township Authority a non-exclusive, perpetual easement in gross and temporary sanitary sewer construction easement upon that portion of premises known and designated as Tax Parcel # 66531810461680, generally located to the northeast of Spring Valley Road, Muhlenberg Township **(Law/Public Works)**

D. Ordinance – Amending the Department of Fire & Rescue Services Budget by authorizing the transfer of a total of \$10,450.00 in the {EXPLORER POST \$1200.00 and MACHINERY & EQUIPMENT \$9250.00} line item #01-09-33-4728 & #01-09-33-4802 to the {GENERAL PLANT SUPPLIES} line item #01-09-33-4510. **(Bus. Analyst)**

E. Ordinance – Amending the Rain Barrel Ordinance to make the regulations the overflow consistent with pre-manufactured rain barrels, reducing the size of the overflow to 1”. (EAC) ***Advertised on Nov 4th***;

PENDING

Ordinance – creating the City of Reading Revitalization and Improvement Zone Authority (CRIZ), as per the Municipalities Authorities Act and House Bill 465-2013 **(Man Dir)** ***Public Hearing advertised 10-4; Public Hearing Date 11-7 at 5 pm Council Chambers, Ordinance advertised 10-14 and 11-4; Eligible for enactment 11-12-13***

Ordinance – Amending the City of Reading Zoning Ordinance by making corrections and clarifications throughout **(Council Staff/Bus Analyst)** ***Introduced at the Oct 14 regular meeting ; Advertised Oct 21st and 28th, Public Hearing Nov 7th at 5:30 pm; Eligible for enactment 11-12-13***

BUDGET ORDINANCES – Eligible for enactment 11-12-13

Ordinance – 2014 Property Tax at fifteen and six hundred eighty-nine thousandths mills (.015689) on the dollar **(Council President)** ***Introduced at the Sept 23 Reg Mtg***

Ordinance – 2014 Land Value Property Tax) at twenty-two and nine hundred ninety-five thousandths mills (0.022995) on the dollar, or twenty dollars and ninety-nine point five cents (\$22.995) on each one thousand dollars is hereby levied and assessed on land, and a tax of twelve and five hundred fifty-nine thousandths mills (0.012559) on the dollar, or twelve dollars and fifty-five point nine cents (\$12.559) on each one thousand dollars is hereby levied and assessed on improvements to land **(Mayor)** ***Introduced at the Sept 23 Reg Mtg; Advertised Oct 23; Public Hearing Nov 4th at 5 pm***

Ordinance – 2014 General Fund Budget; *Introduced at the Sept 16th Special Mtg Advertised Sept 20th; Public Hearing Held October 8th*

Ordinance – 2014 Capital Improvement Program Budget *Introduced at the Sept 16th Special Mtg Advertised Sept 20th; Public Hearing Held October 7th*

Ordinance – 2014 Position Ordinance *Introduced at the Sept 16th Special Mtg*

Ordinance – Resident Home Rule EIT; a tax of one and five tenths percent (1.5%) (Reduction of 0.1%) *Introduced at the Sept 16th Special Mtg; Advertised Sept 30th, Oct 7th and Oct 14th*

Ordinance – Commuter EIT; a tax of up to a maximum of one and two tenths percent (1.2%) (Reduction of 0.1%) *Introduced at the Sept 16th Special Mtg; Advertised Sept 30th, Oct 7th and Oct 14th*

G. Ordinance – increasing the Home Rule Per Capita Tax to \$20 (**Law**) *Public Hearing Nov 4th at 5 pm; Advertised Oct 16th, 23rd (Pub Hearing), 28st, Nov 4th ; Introduced at the Oct 14 regular meeting*

11. RESOLUTIONS

A. Resolution – authorizing the Solicitor to petition the Court of Common Pleas to seeking a Non-resident EIT rate of 1.2% (**Law**)

A. Resolution – authorizing the Solicitor to petition the Court of Common Pleas to seeking a Non-resident EIT rate of 1.3% (**Law**)

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on first page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, October 28

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Tuesday, October 29

HARB Appeal – 332 N 5th St – Council Chambers – 5 pm

Monday, November 4

Nominations & Appointments Committee – Council Office – 4 pm

Public Hearing Land Value Tax & Per Capita Tax increase – Council Chambers - 5 pm

EMS Budget – Council Office – immediately following

Thursday, November 7

Public Hearing CRIZ and Zoning Amendment – Council Chambers - 5 pm

Monday, November 11 – CITY HALL CLOSED FOR VETERANS DAY

**** Tuesday, November 12 ****

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, October 28

DID Authority – 645 Penn St 5th Floor – noon

District 7 Crime Watch – Holy Spirit Church – 7 pm

Thursday, October 31

Water Authority meeting – Water Authority office – 4 pm

Monday, November 4

Public Hearing - Land Value Tax & Increase in Per Capita Tax – Council Chambers 5 pm

Shade Tree Commission – Planning Conference Room – 6 pm

Tuesday, November 5

Board of Health – Penn Room – 4 pm

Charter Board – Penn Room – 7 pm

Wednesday, November 6

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm

District 2 Crime Watch – St Paul's Lutheran Church – 6:30 pm

Thursday, November 7

Police Civil Service Board – Penn Room - noon

Public Hearing CRIZ – Council Chambers – 5 pm

Glenside Community Council – Christ Lutheran Church – 6:30 pm
District 3 Crime Watch – Calvary Baptist Church – 7 pm

Sunday, November 10

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, November 11

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood and Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Tuesday, November 12

Water Authority Workshop – Water Authority office – 4 pm

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

**City of Reading City Council
Regular Business Meeting
Monday, October 14, 2013**

Council President Francis Acosta called the meeting to order.

The invocation was given by Councilor Corcoran.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Corcoran, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Mayor V. Spencer

PROCLAMATIONS AND PRESENTATIONS

- Recognizing German Heritage Month, accepted by the Reading Liederkrantz
- Recognizing Fire Prevention Week, accepted by members of the Reading Fire Department
- Recognizing Northeast Tap Room, accepted by Dennis Haddock
- Recognizing Latino RHS Students
 - Erisson Contreras
 - Narda Caudillo
 - Carlos Cornelio
 - Elizabeth Gonzalez
 - Astrid Perez

PUBLIC COMMENT

Council President Acosta reviewed the public speaking regulations and stated that seven (7) individuals are registered to address Council this evening on non agenda matters. He inquired if anyone objected to suspending the rule requiring non agenda comment at the end of the meeting. As no one objected, the rule was suspended. He reviewed the remaining public speaking rules.

George Stichter, of Moss Street, stated that while he appreciates receiving a letter thanking him for providing public comment at Council. He questioned if the elected officials listen to the voices of the citizens who speak. He expressed the belief that elected officials should demonstrate that they have the ability to help citizens, especially the oppressed population.

Iwona Pielchoty, of West Lawn, stated that she owns rental properties and has a problem with billing trash and recycling on the water/sewer bill. She expressed the belief that Fulton Bank should accept cash payments in addition to payments by check, as checks take longer to process. She also suggested that Fulton begin issuing receipts for check payments. She stated that she should not be charged late fees when tenants pay late or fail to pay the combined bills.

Alberto Perez, of Muhlenberg, stated that he owns rental properties and he described the problems that tenant behavior creates for landlords. He expressed the belief that the landlord should not be ticketed or fined for issues created by the tenants.

Jose Aparicio, of North Front Street, was not present.

Felix Guzman, of Oley Street, was not present.

Gale Rivera, of South 5th Street, was not present.

Jim McHale, of Bern Street, expressed concern with the documentation Council receives during the budget process. He questioned the use of the Prior Year EIT on the budget. He expressed the belief that budgeting for EIT and Prior Year EIT is incorrect, as it appears to double book the same revenue. He offered to assist with the budget review and stated that he is available by telephone.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading, and the minutes for the September 23rd Regular Meeting of Council and the October 7th Special Meeting. He stated that Resolution D under the Resolution heading will be removed from the agenda.

Councilor Sterner moved, seconded by Councilor Marmarou, to approve the minutes from the September 23rd Regular Meeting of Council, the October 7th Special Meeting and the agenda as amended, including the legislation under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Resolution 78-2013 – In accordance with City of Reading Records Retention Policy and Document Retention Schedule, authorizing the disposition of contracts in the City Clerk's office dated 1955 through 1990, as listed. **(Council Staff)**

B. Resolution 79-2013 – In accordance with City of Reading Records Retention Policy and Document Retention Schedule, authorizing the disposition of financial records in the CSC dated 19942-2005 as listed. **(CSC Manager)**

C. Resolution 80-2013 – supporting the filing of an application to the DCED for the designation of a Keystone Enterprise Zone, which would encompass certain industrial and manufacturing areas within Reading **(Man Dir)**

D. Award of Contract - to Cargill, Inc. – Deicing Technology Business Unit, 24950 Country Club Blvd., Suite 450, North Olmsted, OH 77040, at a bid price of \$53.78 per ton for delivered salt and \$52.00 for picked-up salt for the Department of Public Works. Cargill Inc. is the low bidder to meet the specifications. **(Purchasing)**

E. Award of Contract - for the Sanitary Sewer Collection System to Hazen & Sawyer, 801 Market Street, Suite 1001, Philadelphia, PA 19107 to for a total price of \$847,727.82. **(Purchasing/Pub Works)**

ADMINISTRATIVE REPORT

Council President Acosta inquired if the Mayor had prepared a written report that could be distributed to Council. The Mayor stated that he is currently changing the format of his report and a written copy has not been prepared.

Mayor Spencer reported on the CRIZ (Community Reinvestment Improvement Zone) meeting held on September 26th at the Gateway Building at 2nd and Penn. He stated that the meeting was by invitation only and that there was a nice cross-section of the

community present. He explained that the CRIZ is similar to the NIZ (Neighborhood Improvement Zone) that the State Legislature created for Allentown. He explained that the CRIZ legislation allows only two (2) of the nine (9) eligible cities to be approved in 2013 and that Reading will be applying using a working group similar to that used to prepare the Main Street application. He stated that a copy of the proposal will be provided to Council in advance.

Mr. Waltman stressed the need for the preparation of a strategic vision that pulls all these various initiatives together in a meaningful way. He stated that all initiatives need to be aligned.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting. In summary:

- Reduction in the sewer rate charged to outside municipalities
- Report on the collection of the 2013 Admissions Tax
- Report on the collection of the Real Estate Transfer Tax
- Report on the expenditure side of the annual operating budgets over the past 10 years

Councilors Waltman and Goodman-Hinnershitz asked the Auditor to prepare an additional report showing the escalation of the pension costs, debt service costs and the non debt service costs over this same time period.

REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

None.

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 44-2013 - Authorizing the transfer of \$56,363 from the General Fund account code (01-07-74-4101) Light and Power to account code (01-07-74-4216) Contracted Services for the purpose of payment to Susquehanna Municipal Finance for the Honeywell contract. **(Pub Works) Introduced at the Sept 23 regular meeting**

Councilor Corcoran moved, seconded by Councilor Sterner, to table Bill No. 44-2013.

Bill No. 44-2013 was tabled by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7

Nays: None - 0

B. Bill No. 45-2013 - Authorizing the transfer of \$ Transfer \$33,900.00 from 54-07-44-4525, Minor Capital Equipment, to the following: \$22,200.00 to 54-07-44-4000 Salaries; \$1,700.00 to 54-07-44-4913 Social Security; and \$10,000.00 to 54-07-44-4900 Fringe Benefits **(Bus Analyst)** *Introduced at the Sept 23 regular meeting*

Councilor Corcoran moved, seconded by Councilor Marmarou, to enact Bill No. 45-2013.

Bill No. 45-2013 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7
Nays: None - 0

C. Bill No. 46-2013 - Transferring two Municipal Aide II positions in the Citizens Service Center Division of the Department of Administrative Services to the Waste Water Treatment Division of the Department of Public Works. **(Bus Analyst)** *Introduced at the Sept 23 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 46-2013.

Bill No. 46-2013 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7
Nays: None - 0

D. Bill No. 47-2013 - Authorizing the transfer of \$14,000.00 from the IT Salaries line item (01-06-23-4000) to the IT Consulting Services line item (01-06-23-4222). **(Bus Analyst)** *Introduced at the Sept 23 regular meeting*

Councilor Corcoran moved, seconded by Councilor Marmarou, to enact Bill No. 47-2013.

Bill No. 47-2013 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7
Nays: None - 0

E. Bill No. 48-2013 - Amending Chapter 308, Housing, of the City of Reading Code to provide for Part 3, Abandoned Real Property Registration. (Law) *Introduced at the Sept 23 regular meeting; Advertised Oct 7th*

Councilor Corcoran moved, seconded by Councilor Marmarou, to enact Bill No. 48-2013.

Councilor Goodman-Hinnershitz thanked the Administration for their work on this issue. She noted how difficult it is to find the owners of some problem properties.

Councilor Corcoran stated that this ordinance is related to foreclosed properties.

Bill No. 48-2013 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7

Nays: None - 0

F. Bill No. 49-2013 – amending Chapter 576 – Vehicles and Traffic, Part 12 Parades, Special Events, and Public Gatherings by making clarifications to the terms of the ordinance (Bus Analyst) *Introduced at the Sept 23 regular meeting; Advertised Oct 7th*

Councilor Corcoran moved, seconded by Councilor Sterner, to table Bill No. 49-2013.

Bill No. 49-2013 was tabled by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7

Nays: None - 0

G. Bill No. 50-2013 – authorizing the execution of a First Amendment to Lease Agreement between the City of Reading and Alvernia University to provide for the leasing of certain portions of Angelica and the baseball field area, as more specifically identified in Exhibit “A”. (Law) *Introduced at the Sept 23 regular meeting*

Councilor Corcoran moved, seconded by Councilor Marmarou, to enact Bill No. 50-2013.

Councilor Corcoran thanked Alvernia for being a good partner and a good neighbor.

Bill No. 50-2013 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7

Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

A. Ordinance – Authorizing the transfer of \$ Transfer of \$300,000 from the 2013 General Fund Account 01-14-91-4739, Contingency, to 01-12-25-4216 Special Counsel - Contracted Services **(Bus Analyst)**

B. Ordinance – Amending the Administrative Code, Chapter 5, Section 208 Rules Of Procedure, by correcting the conflict regarding the submission of legislation and matters for inclusion on an agenda **(Council Staff)**

C. Ordinance – Amend the Administrative Code, Chapter 5, Section 203 Organization Meeting by eliminating the need to hold an organizational meeting during the first meeting of each year **(Council Staff)**

D. Ordinance – Amending Chapter 508, Section 700 of the City Code Book relating to street cuts making clarifications and changing the fee schedule for street cuts on streets that have been repaved **(Business Analyst) Advertised on October 21st**

E. Ordinance – Amending the Act 47 Recovery Plan by reducing the Commuter and Home Rule Resident EIT by 0.1%. **(PFM/Council Staff/Law)**

F. Ordinance – Amending the City of Reading Zoning Ordinance by making corrections and clarifications throughout **(Council Staff/Bus Anaylst) Advertised Oct 21st and 28th, Public Hearing Nov 7th at 5:30 pm**

G. Ordinance – increasing the Home Rule Per Capita Tax to \$20 (Law) Public Hearing Nov 4th at 5 pm; Advertised Oct 16th, 23rd (Pub Hearing), 28st, Nov 4th

PENDING

Ordinance – 2014 General Fund Budget Advertised Sept 20th

Ordinance – 2014 Capital Improvement Program Budget Advertised Sept 20th

Ordinance – 2014 Position Ordinance

Ordinance – Resident Home Rule EIT; a tax of one and five tenths percent (1.5%) (Reduction of 0.1%) Advertised Sept 30th, Oct 7th and Oct 14th

Ordinance – Commuter EIT; a tax of up to a maximum of one and two tenths percent (1.2%) (Reduction of 0.1%) Advertised Sept 30th, Oct 7th and Oct 14th

RESOLUTIONS

A. Resolution 81-2013– appointing James Fegley to the Charter Board (Nom & Appts)

B. Resolution 82-2013– reappointing Todd Rathman to the Electrician’s Examining Board (Nom & Appts)

C. Resolution 83-2013 – appointing Barbara Coyle to the Environmental Advisory Council (Nom & Appts)

Councilor Marmarou moved, seconded by Councilor Corcoran, to adopt Resolutions 81-83-2013.

Councilors Marmarou and Reed noted the skill and abilities those appointed will bring to the boards they are appointed to serve.

Councilor Goodman-Hinnershitz stated that she recently encouraged college students to apply; however she questioned the eligibility of students due to the residency requirement. The Solicitor stated that his initial opinion is that students are not permanent residents.

Council President Acosta encouraged more citizens to apply for seats on Boards, Authorities and Commissions.

Resolution No. 81-83 -2013 were adopted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7

Nays: None - 0

COUNCIL BUSINESS / COMMENTS

Councilor Reed noted the passing of Nelson Stubbs, who was a pillar of the Centre Park community.

Councilor Goodman-Hinnershitz announced that the Rec Commission is sponsoring a hayride at Schlegel Park this Friday and Saturday. She encouraged the public to volunteer and attend this event. She noted the work of the Commission to bring events to the community.

Councilor Waltman stated that he will work to develop legislation to prohibit people and businesses from placing flyers on the windshields of cars, as these flyers quickly turn into litter.

Councilor Sterner thanked those who provided comment at tonight's meeting and congratulated those honored with commendations.

Mayor Spencer explained the use of the Prior Year EIT line item.

Council wished Council President Acosta a happy birthday.

Council President Acosta reviewed the upcoming meeting schedule.

Councilor Marmarou moved, seconded by Councilor Sterner, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk



AGENDA MEMO

CITY COUNCIL

TO: CITY COUNCIL
FROM: LINDA A. KELLEHER CMC, CITY CLERK
MEETING DATE: OCTOBER 28, 2013
AGENDA MEMO DATE: OCTOBER 11, 2013
REQUESTED ACTION: DENY THE TAX EXONERATION FOR 600 ALTON AVE

RECOMMENDATION: Deny the tax exoneration request for 600 Alton Ave

BACKGROUND: Journey Fellowship purchased 600 Alton Avenue in 2010 and paid \$175,000 for the property. The property has an assessed value of \$157,100. Their property tax exemption was approved by the County Board of Assessments in 2012. The exemption application stated that they intended to operate a place of worship at this property. They received a zoning permit for a daycare at this property in 2009. When they began offering worship services at this location, area residents filed a complaint with the Council Office and zoning informed us that they did not apply for a zoning permit for a place of worship. After zoning began an investigation they found that Journey Fellowship had relocated their worship services to a Muhlenberg location and only the daycare operation remained. The County Assessment office confirmed that their exemption application stated that the property was for a church. The Assessment office revoked the exemption October 1, 2013.

Before the zoning investigation took place and before the exemption was revoked, the County and School District each approved an exoneration of Journey Fellowship's 2011 property taxes for approximately \$4,200. The City taxes for 2011 are approximately

\$3,000. The Council Office recommends denying the request for the exoneration of 2011 property taxes.

BUDGETARY IMPACT: Payment of 2011 past due taxes – approximately \$3,000.

PREVIOUS ACTION: None.

SUBSEQUENT ACTION: None.

RECOMMENDED BY: City Clerk

RECOMMENDED MOTION: To deny the property tax exemption request for Journey Fellowship at 600 Alton Avenue.

RESOLUTION NO. _____2013

TAX EXONERATION REQUEST FOR JOURNEY FELLOWSHIP AT 600 ALTON AVENUE.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
READING THAT:

Denying the property tax exoneration request for Journey Fellowship at 600 Alton Avenue, as an authorized and permitted exempt business does not exist at this property.

Adopted By Council _____, 2013

President of Council

ATTEST:

City Clerk



AGENDA MEMO

CITY COUNCIL

TO: CITY COUNCIL
FROM: LINDA A. KELLEHER CMC, CITY CLERK
MEETING DATE: OCTOBER 28, 2013
AGENDA MEMO DATE: OCTOBER 11, 2013

RECOMMENDATION: Deny the request for a small stone marker commemorating the Civil War field hospital that was located near the present day comfort station in City Park and approving a historical marker, similar to those installed by the Pennsylvania Historical and Museum Commission on or around the comfort station as approved by the Public Works Operations Division Manager.

BACKGROUND: Planning Commission Discussion & Recommendation

§303.a.1 review-proposed City Park monument to the nurses serving in the Fairgrounds Field Hospital, during the Civil War [0:00.31]

Carol A. Kerstetter, Treasurer, Sigma Theta Tau International-Xi Omega Chapter, recalled her presentation to the Historical Architectural Review Board. She described her organization as a chapter of an international nursing honor society, forced to close when funding for a nursing program at Kutztown University ended about two years earlier. The group had planned to use their remaining funds toward a headstone for Mary Sassaman, a Civil War-era nurse buried at Charles Evans Cemetery, but unidentified until a veterans group donated a marker in 2012. With about \$1200 left, attention turned toward memorialization of a field hospital that operated in City Park between 1862 and 1863. Mr. Miller reported that the Review Board had made a few suggestions on the design and its inscription, but otherwise deferred to the Planning Commission on its appropriate location. Mr. Raffaelli asked about possible alternate locations. Ms. Kerstetter referred to the hospital's location and an estimated 130 wounded from the Battle of Antietam that were treated there. She described their proposed marker as a small stone, 2 feet wide by 10 inches deep and 16 inches high.

Mr. Bealer asked about other existing Civil War memorials. Mr. Lauter mentioned the ‘first defenders’ memorial to the Ringgold Light Artillery Battery, located along Perkiomen Avenue between monuments to William McKinley and Christopher Columbus. Mr. Bealer advised a placement guarded against a potential tripping hazard. Mr. Miller suggested passing the final determination to City Council and the Public Works Department. He said the Berks County Historical Society indicated the hospital was located in the vicinity of the present-day “comfort station” just southwest of the intersection of Rose Garden Road and Washington Street. Ms. Kerstetter objected to locating it with that building. Mr. Miller noted other yards/green spaces in that vicinity. Mr. Raffaelli objected to what he termed the “unabated, uncontrolled” proliferation of monuments in City Park. Mr. Lauter agreed in part, concerned with a cemetery-like atmosphere in a multi-use public space, but deemed that concern to be the primary motivation in the design of the Veterans Memorial Grove at the intersection of Constitution Boulevard and Hill Road. Mr. Miller suggested communicating the recurring concerns to City Council, with a recommendation that the Public Works Department determine an appropriate location, taking into account the actual location of the field hospital, and otherwise support the recommendations of the Review Board. Mr. Raffaelli suggested a historical marker, similar to those installed by the Pennsylvania Historical and Museum Commission, at or on the comfort station. He said he couldn’t support any additional free-standing stone monuments.

Mr. Bealer moved to recommend that City Council approve a placement on the comfort station, if amenable to the Public Works Department, or at an appropriate position within Veterans Memorial Grove. Mr. Lauter supported the latter direction, for the better organization. Mr. Burket seconded. And the Commission voted 2 to 1 in favor, Mr. Raffaelli casting the dissent.

BUDGETARY IMPACT: None.

PREVIOUS ACTION: None.

SUBSEQUENT ACTION: None.

RECOMMENDED BY: City Clerk, based on the information provided by the Planning Commission.

RECOMMENDED MOTION: Deny the request for a small stone marker commemorating the Civil War field hospital that was located near the present day comfort station in City Park and approving a historical marker, similar to those

installed by the Pennsylvania Historical and Museum Commission on or around the comfort station as approved by the Public Works Operations Division Manager.

RESOLUTION NO. _____2013

Placement of a Marker Commemorating the Civil War Field Hospital in City Park.

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
READING THAT:**

Denying the request for a small stone marker commemorating the Civil War field hospital that was located near the present day comfort station in City Park and approving a historical marker, similar to those installed by the Pennsylvania Historical and Museum Commission on or around the comfort station as approved by the Public Works Operations Division Manager.

Adopted By Council _____, 2013

President of Council

ATTEST:

City Clerk



AGENDA MEMO

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: October 28, 2013
AGENDA MEMO DATE: October 22, 2013
RECOMMENDED ACTION: Awarding of Contract for the LED Lights

RECOMMENDATION

The recommendation is to award the contract for the LED Light Project to Telco, Inc., 1224 Cross Keys Road, Reading, PA 19605 who is the sole bidder with total bid price of \$60,770.70.

BACKGROUND

Bids for this project were received on July 26, 2013.

The City of Reading intends to change all existing incandescent red and green traffic signal lights to LED lights. Many of the existing traffic signal lights were converted in the 1990's, but many still remain as incandescent lights. It is estimated that 1,170 lights remain to be changed.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Department of Public Works/Shade Tree Commission has confirmed there are sufficient funds in the 31-07-0-4216 account code to cover the project. The Parking Authority has given the City a check in order to cover this project.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is required to award the contract at the October 28, 2013 meeting.

RECOMMENDED BY

Mayor, Managing Director, Director of Administrative Services, Acting Public Works Director, Controller and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the LED Light Project in order that contract may be awarded to Telco, Inc.

cc: File

August 13, 2013

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

BID NO. 2013-17 FOR THE LED LIGHTING SYSTEM, DEPARTMENT OF PUBLIC WORKS

BIDDER

PRICE

Telco, Inc.
1224 Cross Keys Road
Reading, PA 19605

\$60,770.70

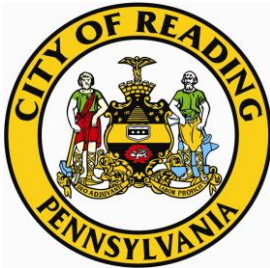
Siemens Industry, Inc.
8 Progress Road
Billerica, MA 01821

\$64,969.50

Econ Opportunities, Inc.
230 N. 5th Street, Suite 300
Reading, PA 19606

\$100,305.00

TAMMI REINHART
Purchasing Coordinator



AGENDA MEMO

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: October 28, 2013
AGENDA MEMO DATE: October 22, 2013
RECOMMENDED ACTION: Awarding of Contract for the Uniform Bid

RECOMMENDATION

The recommendation is to award the contract for the Uniform bid to Aramark Uniform Services, 424 Blair Avenue, Reading, PA 19612 who is the low bidder with total bid price of \$49,344.36 for uniforms, \$1,123.20 for towels and \$8,604.96 for mats for a three year contract.

BACKGROUND

Bids for this project were received on September 19, 2013.

This is for the uniform rental for the utilities division.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Department of Public Works has confirmed there are sufficient funds in the 54-07-44-4504 account code to cover the project.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is required to award the contract at the October 28, 2013 meeting.

RECOMMENDED BY

Mayor, Managing Director, Director of Administrative Services, Acting Public Works Director, Controller and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the uniform rental in order that contract may be awarded to Aramark Uniform Services.

cc: File

October 21, 2013

To the Mayor
City Hall
Reading PA

The following bid was opened and scheduled with a Contract to be awarded or the bid rejected.

**THE BID FOR UNIFORM RENTALS FOR THE UTILITIES DIVISION,
DEPARTMENT OF PUBLIC WORKS, AND THE CITY OF READING,
PENNSYLVANIA,.**

<u>UTILITIES DIVISION – PRICE FOR 3 YEARS</u>		
<u>BIDDER</u>	<u>UNIFORM RENTAL</u>	<u>TOWELS</u>
Aramark Uniform Services 424 Blair Avenue P.O. Box 15166 Reading, PA 19612	\$49,344.36	\$1,123.20
National Uniform Rentals 1700 Fairview Street Reading, PA 19606	\$56,885.40	\$624.00
Cintas Corporation 164 East Main Street Emmaus, PA 18049	\$75,196.83	\$374.40

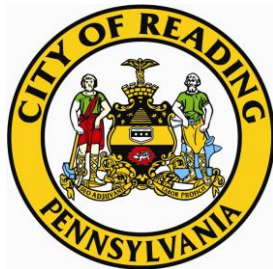
MATS

Aramark Uniform Services	\$8,604.96
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National Uniform Rentals	\$3,783.00
--------------------------	------------

Cintas Corporation	\$4,319.64
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TAMMI REINHART
Purchasing Coordinator



AGENDA MEMO

DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: October 28, 2013
AGENDA MEMO DATE: October 23, 2013
RECOMMENDED ACTION: Awarding of Contract for the Fire/Building/Trades Software Project

RECOMMENDATION

The recommendation is to award the contract for the Fire/Building/Trades Software Project to Trade Master/Mobile Eyes, 1150 Stephenson Highway, Troy, MI 48084 with total price of \$72,962.00.

BACKGROUND

Proposals for this project were received on July 23, 2013.

This is for the Fire Inspection and Building Permit\Inspection Software.

BUDGETARY IMPACT

The Department of Fire and the Department of Community Development has confirmed there are sufficient funds to cover the project.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is required to award the contract at the October 28, 2013 meeting.

RECOMMENDED BY

Mayor, Managing Director, Director of Administrative Services, Fire Chief, Director of Community Development, Controller and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the Fire/Building/Trades Software in order that contract may be awarded to Trade Master – Mobile Eyes.

cc: File

BILL NO. ____ - 2013

AN ORDINANCE

AN ORDINANCE REQUESTING AUTHORIZATION TO TRANSFER FUNDS WITHIN THE PUBLIC WORKS PUBLIC PROPERTY DIVISION BUDGET GENERAL FUND.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the transfer of \$56,363 from the General Fund account code (01-07-74-4101) Light and Power to account code (01-07-74-4216) Contracted Services for the purpose of payment to Susquehanna Municipal Finance for the Honeywell contract.

SECTION 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted _____, 2013

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____



AGENDA MEMO CITY COUNCIL OFFICE

TO: City Council
FROM: Shelly Katzenmoyer, Deputy City Clerk
MEETING DATE: October 28, 2013
AGENDA MEMO DATE: October 23, 2013
RECOMMENDED ACTION: Approve the amendment to the Special Event Permit to clarify the permit process

RECOMMENDATION: Approve the amendment to the Special Event Permit to clarify the permit process

BACKGROUND: In May 2013, a work group was established to examine this issue due to past problems with events and permit processing. The work group recommends this amendment to clarify the permit process.

Council questioned the effect the amendment would have on community marches and rallies based on neighborhood issues and concerns that cannot be foreseen in 30 days. This issue was discussed with the work group.

The Police Traffic office has the ability to accept application forms after the 30 day period has passed. They continue to accept late applications and make every effort to process them to allow for the marches and rallies.

The late application language can be found in Section 1204 letter B Late Applications and states "the Mayor or Chief of Police, where good cause is shown, may, but is not required to consider an application filed less than the applicable time frame only if all requirements for the permit can be met." This language is currently in effect and will not be changed by the amendment.

BUDGETARY IMPACT: None
PREVIOUS ACTION: None
SUBSEQUENT ACTION: None

RECOMMENDED MOTION: Approve the amendment to the Special Event Permit to clarify the permit process

ORDINANCE _____ - 2013

AN ORDINANCE OF THE CITY OF READING AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 576 – VEHICLES AND TRAFFIC, PART 12 PARADES, SPECIAL EVENTS, AND PUBLIC GATHERINGS

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Reading Chapter 576 – Vehicles and Traffic, Part 12 Parades, Special Events, and Public Gatherings is hereby amended as attached in Exhibit A.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

Section 4: This Ordinance shall become effective in ten (10) days in accordance with Charter Section 219 after passage.

Enacted _____, 2013

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

PART 12

PARADES, SPECIAL EVENTS, AND PUBLIC GATHERINGS

§576-1201. Short Title.

This Part shall be known and cited as the "Parade and Special Events" Ordinance of the City of Reading, Pennsylvania."

§576-1202. Definitions.

APPLICANT - a person who has filed a written application for a Special Event or Community Event Site Reservation Permit and who assumes responsibility for all duties and responsibilities, including payment, under this ordinance.

BLOCK PARTY – *a large public party in which many members of a single neighborhood congregate, either to observe an event of some importance or simply for mutual enjoyment.*

CHIEF OF POLICE - the Chief of Police of the City of Reading, Pennsylvania

CITY - the City of Reading, Pennsylvania

COMMUNITY EVENT SITE RESERVATION - ~~means~~ a temporary event, gathering, or organized activity on any City street, public property, or in any City park, building, or other facility, when use of a site is desired by a community or group of citizens but no disruption of other citizen's passage occurs and no use of City services is needed. *A Community Event Site Reservation does not apply to the use of City pavilions, parks or recreation facilities.*

Neighborhood groups requesting block parties may request the use of City barricades for a fee. *A Community Event Site Reservation Permit must be filed within 30 days prior to the planned event.*

Examples of *Community Event* Site Reservation activities are small gatherings of persons distributing information and/or literature on advocacy, political, religious or other topics while exercising the rights of free speech and peaceful assembly.

COMMUNITY EVENT SITE RESERVATION PERMIT – *a document expressing the written and signed authorization to hold a Community Event Site Reservation. This*

document ~~by~~ shall be *based upon an* application and issued by the *City of Reading* Police Department.

EVENT – a Special Event and Community Event Site Reservation.

PARADE - any parade, march or procession of any kind in or upon any street or public park within the City.

PERSON - any person, firm, partnership, association, corporation, company or organization of any kind.

RECREATION FACILITY/SITE RESERVATION – *a temporary event, gathering or organized activity at a City park, pavilion or recreational facility.*

RECREATION FACILITY/SITE RESERVATION PERMIT – *a document expressing the written and signed authorization to hold a Recreation Facility/Site Reservation. This document shall be based upon an application and issued by the Reading Recreation Commission.*

SIDEWALK - that portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

SPECIAL EVENT - ~~means~~ a temporary event, gathering, or organized activity on any City street, public property, or private property, or in any City park, building, or other facility, ~~when an organized activity is conducted~~ involving one (1) or more of the following factors:

1. Closing of a public street, sidewalk, or alleyway;
2. Blocking or restricting public property;
3. Blocking or restricting access to private property of others;
4. Use of pyrotechnics or special effects;
5. Use of open flame, explosions, or other potentially dangerous displays or actions;

6. Use or display of animals, aircraft, or watercraft only when such use or display could create a disturbance or affect the public safety of persons attending or in the immediate area of the event;
7. Sale or service of merchandise, food, or non-alcoholic and alcoholic beverages on public and private property where otherwise prohibited by Ordinance;
8. Installation of a stage, band shell, vehicle(s) of any kind, trailer, van, portable building, booth, grandstand, or bleachers on public property; or on private property where otherwise prohibited by Ordinance;
9. Placement of portable toilets on public property; or on private property where otherwise prohibited by Ordinance;
10. Placement of "No Parking" signs or barricades in a public right-of-way;
11. Amplification of music, voices, sounds, or activities in excess of the City of Reading Noise Ordinance;
12. The Public Works, Fire or Police Departments reasonably determine that the event will result in substantial impact on City resources, facilities, or public safety services in response thereto;
13. Examples of Special Events include but are not limited to: concerts, dances, assemblages, processions, parades, circuses, amusement rides, fairs, festivals, ~~block parties~~, community events, marathons and other running events, bicycle races and tours, ~~golf tournaments~~, car races, boat races, and other organized activity conducted for the purpose of fundraising for profit, non-profit fundraising, community promotion, or charity.
14. The Police Department Traffic Unit shall determine if a Special Event Permit is required.

SPECIAL EVENT PERMIT – *A document expressing the* written, *and* signed authorization to hold a Special Event issued by the *City of* Reading Police Department and approved by *City of* Reading's Risk and Safety Coordinator, ~~the~~ City Solicitor, ~~the~~ Manager of Property Maintenance, ~~the~~ Public Works Director, and the Fire and Police

Chief. *This document shall be based upon an application and issued by the City of Reading Police Department.*

SPECIAL EVENT VENUE - that area for which a Special Event Permit has been issued.

STREET - the entire width between the boundary lines of every publicly maintained right-of-way when any part thereof is open to use by the public for the purpose of vehicular traffic.

VENDOR – a person or entity that promotes or exchanges goods or services for money.

§576-1203. Permit Required.

1. Except as provided in this Ordinance, no person or entity shall conduct, facilitate, promote, manage, aid, or solicit attendance at a Special Event, ~~or~~ Community Event Site Reservation activity *or Recreation Facility/Site Reservation activity* until an applicable permit has been issued by the City of Reading *or the Reading Recreation Commission*.

2. **Exceptions.** This part shall not apply to:

- A. Funeral processions by a licensed mortuary;
- B. House moving and construction activities;
- C. Activities of a governmental agency *or the Reading Recreation Commission* acting within the scope of its authority and functions;
- D. Lawful exercise of free speech and right to assemble on sidewalks or other public property where such demonstration does not impede the passage of others and all laws, ordinances, and regulations are obeyed;
- E. Students traveling to and from classes or participating in school district sanctioned educational activities provided such conduct is under the immediate direction and supervision of the proper school authorities.

§576-1204. Application (Fees).

An individual requiring a Special Event Permit or a Community Event Site Reservation Permit shall pick up and submit a completed application for the event online or at the City's Police Department Traffic Office. *An individual requiring a Recreation*

Facility/Site Reservation Permit shall pick up and submit a completed application for the event online or at the Reading Recreation Commission. The application shall be signed by the applicant. The application will serve as a contract between the applicant and the City of Reading or the applicant and the Reading Recreation Commission as applicable.

~~Each Applicant requesting a Special Event Permit shall be required to pay a processing fee and a security deposit fee, neither of which will be waived. A copy of the receipt from the City's Treasury Office must accompany the application through the approval process in order for the permit to be issued. Such applicant may also be required to pay an additional fee for City services or facilities as described in §15-1205 below.~~

A. Filing Period.

1. A Special Event Permit application shall be submitted to the City at least ~~sixty (60)~~ **ninety (90)** days (~~two (2)~~ **three (3)** months) but no more than one hundred eighty (180) days (six (6) months) prior to the date proposed for the Special Event.
2. A Community Event Site Reservation Permit application is ~~free of charge and without need for a security deposit, except for a fee for Block Parties and the use of city barricades at block parties,~~ and shall be filed ~~within~~ **thirty (30)** days ~~prior to~~ of the planned event.
3. A Recreation Facility/Site Reservation Permit application shall be filed **thirty (30) days prior to the planned event.**

B. Late Applications. The Mayor or Chief of Police, where good cause is shown, may, but is not required to consider an application filed less than the applicable time frame only if all requirements for the permit can be met.

C. Special Event Permit Application Contents. The application for a Special Event Permit shall set forth the following information:

1. The name, address and daytime telephone number, fax, cell phone number, and email address of the person seeking to conduct such event.
2. If the event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of

the organization and ~~of the~~ *those who are* authorized and responsible heads of ~~for~~ such organization.

3. The name, address and telephone number of the person who will be the event chairman and who will be responsible for its conduct.

4. The location of the event.

5. The purpose of the event.

6. The date, days, and times when the event is to be conducted.

7. The setup, tear-down, and cleanup dates and times.

8. The route to be traveled, the starting point and the termination point for parades.

9. The approximate number of persons who will be attending the Special Event and the approximate number of persons who will participate in the event as volunteers or workers.

Note: The PA Department of Health requires an ambulance on standby at the event for all events expecting 5,000 or more people.

10. The hours when such event will start and terminate.

11. ~~A statement as to whether the event will occupy all or only a portion of the width of the streets proposed.~~ *Maps detailing proposed site locations and/or routes along with written descriptions of the following:*

a. Amplification Devices: Types used and for what purposes.

b. Electrical Requirements: Voltage, amperage, and apparatus associated with electrical needs for activities, vendors, etc.

c. Emergency Medical Stations: First aid or emergency medical services based on Special Event risk factors, as determined by the ~~City Manager~~ City Managing Director or designee.

- d. Equipment: Types of equipment used to service Special Event and/or to be showcased in the event.*
- e. Fire Lanes: Contingency plan for access by fire-fighting and emergency medical vehicles, equipment, and personnel.*
- f. Fireworks or Pyrotechnic Displays: Amount, type, and fire safety plans, including proof of application for state permit. All pyrotechnic/fireworks/flame display plans must be reviewed by the Fire Marshal's office and a member of the Fire Marshal's staff must be present at the time of the display.*
- g. Litter Control: Number, size, and location of trash receptacles, as well as trash removal and disposal.*
- h. Parade, Race, Other Similar Activities: Show start and finish locations for marathons, "fun-runs," "walk-a-thons," trail rides, cycle and motorbike tours, watercraft events, scavenger hunts, etc.*
- i. Portable Toilets: The number of portable sanitation facilities based on the Portable Sanitation Association International (PSAI) policy, City policies, and City codes, including quantity that will be in compliance with the Americans with Disability (ADA) Act.*
- j. Signage: Type of proposed on-site and off-site signage, including quantity, dimensions, and materials.*
- k. Street Closures and Detours: A statement as to whether the Special Event will occupy all or only a portion of the width of the streets, sidewalks, or other public rights-of-way proposed for pedestrian and vehicular traffic control.*
- l. Structures: All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies. If any temporary structure is equal to or larger than two*

hundred (200) square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by applicant.

~~*(1) If any temporary structure is equal to or larger than two hundred (200) square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by Applicant.*~~

m. Vendors: List each vendor, including products and services offered. The merchandise, products and services offered cannot be in violation of the duly enacted City of Reading Codified Ordinances and cannot include items that are "adult" related and can only be sold to persons over 21 years of age. All vendors must also provide a valid tax ID number, as required by Pennsylvania law, a valid City of Reading Business License , a copy of a current City or State issued health permit and a food handler certificate.

n. Vehicles: Types of vehicles used to support services to the Special Event and/or to be showcased in the event along with the approximate number of and description of any vehicles which will participate in the Special Event.

o. A plan to accommodate the anticipated parking requirements for those participating or attending the event.

~~*12. The location by streets of any assembly areas for such Event. Alcoholic Beverages:*~~

a. Conditions and restrictions on the use of alcoholic beverages.

b. Submit a list of all vendors who will be providing alcohol.

Note: Alcoholic Beverages are prohibited in all City parks, playgrounds and facilities except as specifically authorized by the City and in compliance with the Pennsylvania Liquor Control Board (PLCB).

13. ~~Maps detailing proposed site locations and/or routes along with written descriptions of the following:~~

- ~~p. Amplification Devices: Types used and for what purposes.~~
- ~~q. Electrical Requirements: Voltage, amperage, and apparatus associated with electrical needs for activities, vendors, etc.~~
- ~~r. Emergency Medical Stations: First aid or emergency medical services based on Special Event risk factors, as determined by the City Manager or City Manager's designee.~~
- ~~s. Equipment: Types of equipment used to service Special Event and/or to be showcased in the *eEvent*.~~
- ~~t. Fire Lanes: Contingency plan for access by fire fighting and emergency medical vehicles, equipment, and personnel.~~
- ~~u. Fireworks or Pyrotechnic Displays: Amount, type, and fire safety plans, including proof of application for state permit. All pyrotechnic/fireworks/flame display plans must be reviewed by the Fire Marshal's office and a member of the Fire Marshal's staff must be present at the time of the display.~~
- ~~v. Litter Control: Number, size, and location of trash receptacles, as well as trash removal and disposal.~~
- ~~w. Parade, Race, Other Similar Activities: Including but not limited to marathons, "fun runs," "walk-a-thons," trail rides, cycle and motorbike tours, watercraft events, scavenger hunts, etc. Show start and finish locations.~~
- ~~x. Portable Toilets: The number of portable sanitation facilities based on the Portable Sanitation Association International (PSAI) policy, City~~

~~policies, and City codes, including quantity that will be ADA accessible.~~

y. ~~Signage: Type of proposed on site and off site signage, including quantity, dimensions, and materials.~~

z. ~~Street Closures and Detours: A statement as to whether the Special Event will occupy all or only a portion of the width of the Streets, Sidewalks, or other public rights of way proposed for pedestrian and vehicular traffic control.~~

aa. ~~Structures: All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies. If any temporary structure is equal to or larger than two hundred (200) square feet in diameter, a certificate confirming the use of flame retardant material shall be provided by Applicant.~~

~~If any temporary structure is equal to or larger than two hundred (200) square feet in diameter, a certificate confirming the use of flame retardant material shall be provided by Applicant.~~

bb. ~~Vendors: List each vendor, including products and services offered. The merchandise, products and services offered cannot be in violation of the duly enacted City of Reading Codified Ordinances and cannot include items that are "adult" related and can only be sold to persons over 21 years of age. All Vendors must also provide a valid tax ID number, as required by Pennsylvania law, and a valid City of Reading *bBusiness License*, a copy of a current City or State issued health permit and a food handler certificate.~~

cc. ~~Vehicles: Types of vehicles used to support services to the Special Event and/or to be showcased in the event. Admission Fees: The cost~~

of admission, if any, and whether the event is a public or private event.

~~14. Admission Fees: The cost of admission, if any, and whether the Event is a public or private event. Animals: The approximate number and description of the types of animals anticipated to be part of the Special Event, if any. Refer to the Animal Control Ordinance for requirements for proper control and handling of animals and animal waste during Special Events.~~

Event applications including the use of animals will be reviewed by the Animal Control Agency.

~~15. Alcoholic Beverages:~~

- ~~a. Conditions and restrictions on the use of alcoholic beverages.~~
- ~~b. Submit a list of all vendors who will be providing alcohol, along with copies of their TABC certificates.~~

~~Note: Alcoholic Beverages are prohibited in all City parks, playgrounds and facilities except as specifically authorized by the city and in compliance with the PLCB. Insurance: Proof of comprehensive general liability insurance in the amount of One Million Dollars (\$1,000,000.00), naming the City of Reading and other affected entities as additional insured as explained in §15-1220.~~

~~16. Animals: The approximate number and description of the types of animals anticipated to be part of the Special Event, if any. Refer to the Animal Control Ordinance for requirements for proper control and handling of animals and animal waste during Special Events.~~

~~Special Events applications including the use of animals will be reviewed by the Animal Control Agency. Water/Wastewater: If applicable, a plan for the disposal of waste water, including capture and containment, as approved by the Public Works Department. All water generated must be disposed of through an approved sanitary sewage system that is constructed, maintained, and operated according to law.~~

~~17. Insurance: Proof of comprehensive general liability insurance in the amount of one million dollars (\$1,000,000.00), naming the City of Reading as additional~~

~~insured. Also, include additional affected entities, i.e., BEDC. *Miscellaneous: Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.*~~

~~18. Miscellaneous: Any special or unusual requirements that may be imposed or created by virtue of the nature or operation of the proposed Special Event activity, as well as any other information required by the Police Traffic Office.~~

~~19. Water/Wastewater: If applicable, a plan for the disposal of waste water, including capture and containment, which plan shall be approved by the Public Works Department. All water generated must be disposed of through an approved sanitary sewage system that is constructed, maintained, and operated according to law.~~

~~20. Liability insurance covering the City for any claim or claims by any persons or entities arising out of the conducting of said parades or special events shall be required as a condition to granting the applications with respect to those parades or special events which considering the nature thereof, and the activities involved, — in the discretion of Chief of Police, on the recommendation of the Safety and Risk Manager of the City, require insurance in such amounts as the Chief of Police shall determine on the advice of the Safety and Risk Manager of the City.~~

~~21. Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.~~

D. Community Event Site Reservation Application Contents. The application for a Community Event Site Reservation shall set forth the following information:

- ~~1. Location of the Event. *Name of applicant*~~
- ~~2. Purpose of the Event. *Contact information of applicant*~~
- ~~3. Date of the Event. *Organization name where applicable*~~
- ~~4. Number of persons expected for the Event. *Organization contact information where applicable*~~
- 5. Location of the event.**
- 6. Purpose of the event.**
- 7. Date of the event**
- 8. Number of persons expected for the event.**
- 9. Acknowledgement that the applicant accepts the proposed site in as-is condition at the time of the event.**

E. Recreation Facility/Site Reservation Application Contents. The application for a Recreation Facility/Site Reservation shall set forth the following information:

- 1. Name of applicant**
- 2. Contact information for applicant**
- 3. Facility requested**
- 4. Purpose of the event**
- 5. Date of the event**
- 6. Number of persons expected for the event**
- 7. Acknowledgement that the applicant is responsible for cleanup.**

§576-1205. Fees, Time Limit, and Cost of Event

Fees. All ~~application~~ *permit* fees are due and payable at the time of filing of the application. A copy of the receipt from the City's Treasury Office must accompany the application through the approval process in order for the permit to be issued.

1. Special Event Permit:

~~With proof of non-profit status (i.e., document of incorporation or 501 (c) status): One Hundred Dollars (\$100.00). Each applicant requesting a Special Event Permit shall be required to pay a processing fee and a security deposit fee, neither of which will be waived. Such applicant may also be required to pay an additional fee for City services or facilities as described in §576-1205 below.~~

a. All fees required for a Special Event Permit shall be adopted by City Council and contained within the City of Reading Fee Schedule.

~~**b. All others: Three Hundred Dollars (\$300.00)** If the event is canceled or not held after the permit has been issued by the City, the processing fee will be refunded, minus a \$50 administrative processing fee and other costs incurred by the City.~~

~~**c. If the event is canceled or not held after the permit has been issued by the City, the processing fee will be refunded, minus a \$50 administrative processing fee.** Security Deposit:~~

1. All security deposit fees required under this part shall be adopted by City Council and contained within the City of Reading Fee Schedule.

2. The security deposit must be paid with a separate check so that it can be placed in escrow for easy return, if applicable.

3. The full security deposit will be refunded if the location of the Special Event is clean and free of litter and damage and City services costs are paid. The refund of the security deposit will be prorated based upon the condition of the premises at the conclusion of the event as determined by the City's Police Department Traffic Office or its designee.

4. The fee amount does not include any additional fees charged by various City Departments for the use of City facilities or City services.

5. Additional fees that arise during the event will be billed to the applicant and will be due within thirty (30) days after mailing of the invoice.

d. Security Deposit:

~~1. A Five Hundred Dollars (\$500.00) security deposit will be required at the time of filing of the application.~~

~~2. The security deposit must be paid with a separate check so that it can be placed in escrow for easy return, if applicable.~~

~~3. The full security deposit will be refunded if the location of the Special Event is clean and free of litter and damage and City services costs are paid. The refund of the security deposit will be prorated based upon the condition of the premises at the conclusion of the event as determined by the City's Police Department Traffic Office or its designee.~~

~~4. The fee amount listed above does not include any additional fees charged by various City Departments for the use of City facilities or City services.~~

~~5. Additional fees that arise during the event will be billed to the applicant and will be due within thirty (30) days after mailing of the invoice.~~

2. *Community Event Site Reservation:* The Community Event Site Reservation is free of charge except block parties requiring City barricades. ~~will be assessed a Fifty Dollar (\$50.00) fee. Such fee for barricades will be adopted by City Council and contained within the City of Reading Fee Schedule.~~ No security deposit will be required.

3. ~~Use of City Personnel Resources for Event:~~ *Recreation Facility/Site Reservation:*

~~a. Fire and EMS, Police, and Public Works will determine the number of and duration of personnel needed to provide services for the event based on the nature, the location, and the number of expected attendees. Extra employees will often have to be scheduled as to not significantly interfere with regular city operations.~~

~~b. Costs for needed services shall be paid according to the current City hourly rate for the personnel involved in the event and in adherence to conditions set forth in bargaining agreements, such as the minimum number of hours to be paid for such employee service. The overtime rate for employees will most likely be applicable.~~

~~c. Cost estimates will be provided to the Applicant at least thirty (30) days prior to the event. Payment for estimated city services are due in full fourteen (14) days prior to the event.~~

~~d Any complaints concerning the amount and cost of personnel needed to provide a clean and safe event will be heard and decided by the Director of Finance or the City Managing Director.~~

All fees required for a Recreation Facility/Site Reservation shall be adopted by City Council and contained within the City of Reading Fee Schedule.

4. *Use of City Personnel Resources for Event:*

a. Fire and EMS, Police, and Public Works will determine the number of and duration of personnel needed to provide services for the event based

on the nature, the location, and the number of expected attendees. Extra employees will often have to be scheduled as to not significantly interfere with regular city operations.

b. Costs for needed services shall be paid according to the current City hourly rate for the personnel involved in the event and in adherence to conditions set forth in bargaining agreements, such as the minimum number of hours to be paid for such employee service. The overtime rate for employees will most likely be applicable.

c. Cost estimates will be provided to the Applicant at least thirty (30) days prior to the event. Payment for estimated City services are due in full fourteen (14) days prior to the event.

d Any complaints concerning the amount and cost of personnel needed to provide a clean and safe event will be heard and decided by the City Managing Director or designee.

§576-1206. Changes to the Application.

Any proposed changes to the application prior to the date of the event must be approved by the City's Police Department *or the Reading Recreation Commission, as applicable*, with possible consultation with Public Works, Manager of Property Maintenance, Fire, Risk and Safety and the City Solicitor.

§576-1207. Date of ~~Special Event or Community Event Site Reservation~~ Will Not Be Confirmed Until A Permit Issued.

Notwithstanding the ~~City's Police Traffic Unit's~~ acceptance of a completed application, no date for an ~~Special or Community~~ event shall be considered confirmed until an applicant has fully complied with all necessary requirements and the ~~Special Event Permit or the Community Event Site Registration Permit~~ has been approved and issued by the ~~City of Reading~~. If an application for an ~~Special or Community~~ event ~~Site Reservation~~ has been submitted for a specific date but is waiting for approval, no other application can be accepted for that same date and location until a decision on the first ~~Special Event or Community Event Site Reservation~~ application has been made.

Certain annual Special Events have a “standing tentative reserved date,” such as the Holiday Parade and the Labor Day Parade. These dates will be honored providing the applicant submits the Special Event Permit application in accordance with this Ordinance.

To avoid double-booking a City facility, the person responsible for City facilities should be notified immediately of the proposed date and event so that the venue can be tentatively reserved for said date.

§576-1208. Conditions for Issuance of a ~~Special Event Permit or Community Event Site Reservation or Recreation Facility Site Reservation~~ Permit, where applicable.

The City’s Police Traffic Office *or the Reading Recreation Commission* may issue a ~~Special Event Permit or Community Event Site Reservation~~ Permit, where applicable, when:

1. An application is successfully completed and filed in accordance with this ordinance; and
2. All of the following conditions are satisfied:
 - a. The event will not substantially interrupt the safe and orderly movement of vehicular and pedestrian traffic.
 - b. The event will not require the diversion of police officers, fire department personnel or other department employees so as to significantly impact the City department’s ability to respond appropriately to regular City duty throughout the remainder of the community.
 - c. The concentration of persons, animals, vehicles, or things at the staging and disbanding areas, as well as along the event or street activity route, will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets.
 - d. The event is not being conducted for an unlawful purpose, nor will it violate any ordinance of the City or any other applicable law.

e. The event will not substantially interfere with any other event for which an event permit has already been issued; nor shall it substantially interfere with the provision of City services in support of other scheduled events or unscheduled government functions.

f. The event will not have any unmitigated adverse impact upon residential or business access and traffic circulation in the same general venue.

g. All sponsor(s), participants, and attendees at events are subject to all laws, ordinances, and regulations not specifically exempted by the Special Event permit or the Community Event Site Reservation Permit, including but not limited to noise volume, disorderly conduct, and intoxication. Police, fire and code officers may order the shutdown of a *Special Event*, ~~or a Community Event Site Reservation~~ *or a Recreation Facility/Site Reservation* that becomes disorderly or hazardous.

§576-1209. Denial or Revocation of a ~~Special Event Permit or Community Event Site Reservation~~ Permit

The City's Police Department Traffic Office, in consultation with the City Mayor or Managing Director *or the Reading Recreation Commission* may deny or revoke an ~~Special Event or Community Event Site Registration~~ application or subsequent Permits if the applicant fails to satisfy or violates any of the requirements set forth in this ordinance; or

1. The applicant has made or permitted the making of a false or misleading statement or omission of material fact on the ~~Special Event~~ Permit application; or
2. The applicant has violated this Ordinance or has had a ~~Special Event~~ Permit revoked within the preceding twelve (12) months; *or*
3. The applicant violates or has violated within the past twelve (12) months another City Ordinance or State law; *or*
4. The City's Police Department Traffic Office *or the Reading Recreation Commission* believes that persons or property are at risk as a result of the activities or conduct of persons at the event; *or*

5. The applicant has violated any terms or conditions of the permit as issued.

§576-1210. Notice of Decision

If the application is rejected, ~~the Police Department Traffic Office~~ *notice* shall ~~be~~ provided by facsimile transmission, e-mail, telephone, and/or U.S. mail directed to the applicant within ten (10) business days after the date upon which the application was filed, a notice of its action, stating the facts and conclusions, which are the basis for the denial of the Permit. If the Permit is revoked, ~~the City's Police Department Traffic Office~~ *notice* shall similarly provide to the applicant a reason for its action within ten (10) business days after the event.

§576-1211. Street Activity and Route Restrictions

The City's Police Department and/or City Managing Director may alter the time restrictions stated herein upon review of the ~~Special~~ event's location, time, type, safety concerns, the City's capabilities, and proximity to residential properties. ~~Special~~ Events shall comply with the following restrictions:

1. ~~Special~~ Events held on public property within the City limits or on a publicly maintained right-of-way may begin staging (setting up) at 6:00 a.m. and shall disband (shut down) at 10:00 p.m. Cleanup must be completed by midnight.
2. ~~Special~~ Events held primarily in a residential area may begin staging (setting up) at 10:00 a.m. and shall disband (shut down) by 8:00 p.m. Cleanup must be completed by 10:00 p.m.
3. *For* ~~Special~~ events held primarily in a residential area and requiring street closures, the appropriate safety/security measures must be approved by the Chief of Police and/or the Managing Director for the duration of the ~~Special~~ event and at the expense of the Applicant.
4. Noise levels for such ~~Special~~ events shall not exceed maximum permissible sound levels in accordance with *the* City's Noise Ordinance. This includes but is not limited to air horns and other horn blowing apparatus, whistles, and amplified music, speech, and other sounds.
5. Throwing any items, including but not limited to candy, gum, food, beads, confetti, balloons, and toys, from any and all kinds of moving vehicles, equipment, trailers, bicycles, motorcycles, animals, etc. during ~~Special~~ event

parades is strictly prohibited. However, such items may be handed to individuals curbside.

6. Only licensed drivers may operate motorized vehicles and equipment during parades. This includes but is not limited to automobiles, tractors, trucks of all makes, all-terrain vehicles (ATV), and go-carts.

7. The merchandise, products and services offered cannot be in violation of the duly enacted City of Reading Codified Ordinances and cannot include items that are "adult" related and can only be sold to persons over 21 years of age.

§576-1212. Temporary Signs for ~~Special~~ Events

It is unlawful for any person to place, post, paint, erect, display, secure, or maintain any sign, banner, lighting, or advertising without the prior written approval of the Public Works Department. In case of conflict with the City's sign regulations in the Code of Ordinances, the City's sign Ordinance shall control.

All ~~Special~~ event signs, banners, flyers, or advertisements of any kind shall be contained within the boundaries of the event location and shall be removed within twenty-four (24) hours of the completion of the ~~Special~~ event. An ~~Special~~ event sign not removed in compliance with this section may be removed by the City at the expense of the applicant to include costs incurred by the City for removal of same. If an ~~Special~~ event sign, banner, flyer, or advertisement becomes a hazard to the public's safety or welfare due to inclement weather, inadequate maintenance, accidental damage, or other cause, the City shall remove the sign immediately at the sole cost of the applicant. After removal by the City, the City may store, dispose, destroy, or otherwise handle the sign as it deems appropriate and shall have no liability to the applicant or sign owner related to same. All banners not picked up by the applicant or designee within one (1) week after completion of said ~~Special~~ event, may be disposed, destroyed, or otherwise handled as deemed appropriate with no liability on the part of the City.

§576-1213. Appeal Procedure.

Any person aggrieved by the action of the Chief of Police this ordinance shall have the right to have the action of the Chief of Police reviewed by the Mayor of the City upon written request to the Mayor delivered by registered mail at to the Mayor's Office or to the Reading Recreation Commission, as applicable. The Mayor shall thereupon review the action of the Chief of Police and the reasons for his action and notify the aggrieved party by mail within 10 days of the receipt of the appeal of his action thereon.

Where a late application has been denied by the Chief of Police, the action of the Chief of Police may be reviewed by the Mayor, upon receipt of a written request for review by the aggrieved party. Failure to issue a permit within 3 days of the receipt of the appeal shall be deemed notice of dismissal of the appeal.

§576-1214. Alternative Permit.

The Chief of Police in denying an application for ~~an Special event permit or Community Event Site Reservation Permit~~ shall be empowered to authorize the conduct of the event on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within 5 days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate event permit shall conform to the requirements of, and shall have the effect of a event permit under this Part.

§576-1215. Notice to City and Other Officials.

Immediately upon the issuance of a ~~parade~~ *Special Event or Community Site Reservation Permit*, the Chief of Police shall send a copy thereof to the following:

- A. The Mayor.
- B. The City Solicitor.
- C. The Fire Chief.
- D. *The Director of Public Works*

§576-1216. Duties of Permittee.

A permittee hereunder shall comply with all permit directions and conditions and with applicable laws and ordinances.

Possession of Permit. The applicant or other person heading or leading such activity shall carry the event permit upon his person during the conduct of the event.

§576-1217. Public Conduct During Event.

Interference. No person shall unreasonably hamper, obstruct or impede or interfere with any event or with any person, vehicle or animal participating or used in an event.

Driving Through Events. No driver of any vehicle shall drive between the vehicles or persons comprising ~~an Special~~ event when such vehicles or persons are in motion and are conspicuously designated as ~~an Special~~ event.

Parking on Special Event Routes. The Chief of Police, Police Traffic Supervisor, City Managing Director or designated representative shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of ~~an Special~~ event.

§576-1218. Inspections

Amusement rides and/or attractions associated with Special Events shall conform to statutory rules and regulations set forth in the Commonwealth of Pennsylvania. Copies of inspection or approval reports shall be required prior to use in the City limits and verified by authorized City personnel. Amusement rides in enclosed areas greater than one thousand (1,000) square feet are required to be “fire-sprinkler-ready” with an external Fire Department Connection (FDC) and be inspected by the Fire Marshal’s office.

All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies. If any temporary structure is equal to or larger than two hundred (200) square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by applicant and shall be inspected by the Fire Marshal’s office.

Special electrical and water/wastewater needs must be inspected prior to the event.

§576-1219. Animal Waste

Refer to the Animal Control Ordinance for requirements related to ~~Special-event~~ activities involving animals. Applicants are responsible for properly controlling and handling all animals and animal waste.

§576-1220. Insurance Required to Conduct a Special Event or a Recreation Facility/Site Reservation Event involving City Gymnasium Rentals

An applicant for a Special Event must provide *a certificate of insurance showing* proof of comprehensive general liability insurance in the amount of One Million Dollars (\$1,000,000.00) ~~to protect the City against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from any aspect~~

~~of the Special Event.~~ Such insurance shall name the City of Reading, its officers, employees, agents, and, if required, any other public entity involved in the ~~Special~~ event, as additional insured on a separate endorsement maintained for the duration of the ~~Special~~ event. Notice of limitation, reduction, or cancellation of insurance coverage shall be provided immediately to the City of Reading by the carrier and the applicant.

The insurance required shall encompass all liability insurance requirements imposed for other permits required under other sections of this Ordinance and is to be provided for the benefit of the City and not as a duty, expressed or implied, to provide insurance protection for spectators or participants.

A certificate of insurance ~~The insurance required~~ must be submitted to the Police Traffic Office no later than two (2) weeks prior to the event. ~~Before this time, a letter of intent to insure from the Event's insurance agency must be on file with the application that states the City of Reading will be additionally insured.~~ Failure to provide the insurance or the letter of intent for insurance could result in the denial/revocation of the ~~Special Event Permit~~.

§576-1221. Indemnification

The applicant for a ~~Special Event~~ permit shall *acknowledge that he or she will* indemnify and hold harmless the City, its officers, employees, agents, and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the ~~Special~~ event.

§576-1222. Conditions for Premises After the ~~Special Event~~

The applicant is required to bring the premises back to the same or better condition; and failure to comply, will result in no future events to be held by the applicant or organization *and loss of security deposit*.

§576-1223. ~~Revocation of Permit~~. Penalties.

~~The Chief of Police shall have the authority to revoke a special event permit issued hereunder upon violation of the standards for issuance as herein set forth.~~

- 1. It shall be unlawful for any person to stage, present, or conduct or attempting to stage, present or conduct an event without first having obtained a permit therefore as herein provided or who shall otherwise violate any of the provisions of this Part.*

2. *A person commits a summary offense if he/she:*

A. Knowingly commences or holds an event without an event permit or with a permit that has expired or has been revoked; or

B. Knowingly violates any terms or provisions of this Ordinance.

3. *Violations of this Ordinance shall be treated as strict liability offenses regardless of intent.*

4. *This Ordinance governs fire safety and public health, safety, and general welfare. Accordingly, any person, firm, corporation, or organization violating or failing to comply with any of the provisions of this Ordinance shall be subject to the penalty as provided for in the City of Reading Code of Ordinances.*

5. *The penalty upon conviction of any violation of this section is Five Hundred Dollars (\$500.00.)*

~~Penalties.~~*The administration may promulgate further regulations concerning this section.*

~~1. It shall be unlawful for any person to stage, present, or conduct or attempting to stage, present or conduct an event without first having obtained a permit therefore as herein provided or who shall otherwise violate any of the provisions of this Part.~~

~~§15-1225. Penalty for Violations of Ordinance~~

~~1. — A person commits a summary offense if he/she:~~

~~A. Knowingly commences or holds a Special Event without a Special Event Permit or with a permit that has expired or has been revoked; or~~

~~B. Knowingly violates any terms or provisions of this Ordinance; or.~~

~~2. — Violations of this Ordinance shall be treated as strict liability offenses regardless of intent.~~

3. ~~This Ordinance governs fire safety and public health, safety, and general welfare. Accordingly, any person, firm, corporation, or organization violating or failing to comply with any of the provisions of this Ordinance shall be subject to the penalty as provided for in the City of Reading Code of Ordinances.~~

4. ~~The penalty upon conviction of any violation of this section is Five Hundred Dollars (\$500.00.)~~

BILL____-2013

AN ORDINANCE

**AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM
'CONTINGENCY' TO 'CONTRACTED LEGAL SERVICES,' AND AMENDING
THE 2013 BUDGET ACCORDINGLY.**

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the transfer of \$ Transfer of \$300,000 from the 2013 General Fund Account 01-14-91-4739, Contingency, to 01-12-12-4224, Legal Services.

SECTION 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted _____, 2013

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____



AGENDA MEMO CITY COUNCIL OFFICE

TO: City Council
FROM: Linda A. Kelleher, City Clerk
MEETING DATE: October 14, 2013
AGENDA MEMO DATE: September 20, 2013
RECOMMENDED ACTION: Correct the conflict in the Administrative Code regarding agenda matters

RECOMMENDATION: Correct the conflict in the Administrative Code regarding agenda matters by making a modification to Section 508 regarding the submission of legislation and matters to be placed on Council agendas.

BACKGROUND: Currently there is a conflict in the Administrative Code. One section requires the City Clerk to publish the meeting agenda with a listing of all legislation at least two days before a meeting but another section allows the presentation of new legislation up to the close of the business day on the day of a meeting. Obviously allowing legislation to be presented on the day of a meeting would require the amendment of the published agenda and then re-publication and potentially the delay of the scheduled meeting. Allowing the presentation on the day of a meeting also limits the ability of Council and the Administration to review such legislation in advance.

Several years ago the City Clerk's Office issued a rule requiring that all agenda matters and legislation be forwarded to the office by noon on the Wednesday that precedes the scheduled Monday meeting. This allows for the timely preparation of the agenda, notice, posting, copying and hyper linking within the required period.

BUDGETARY IMPACT: None
PREVIOUS ACTION: None
SUBSEQUENT ACTION: None

AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE, CHAPTER 5, SECTION 208 RULES OF PROCEDURE, BY CORRECTING THE CONFLICT REGARDING THE SUBMISSION OF LEGISLATION AND MATTERS FOR INCLUSION ON AN AGENDA.

The Council of the City of Reading hereby ordains as follows:

Section 1. Amending the Administrative Code, Chapter 5, Section 208 Rules of Procedure, by correcting the conflict regarding the submission of legislation and matters for inclusion on an agenda in **§ 5-206. Agenda and § 5-208. Rules of Procedure** as follows:

§ 5-206. Agenda.

A. The proposed agenda for a regular or special meeting of the Council shall be prepared by the City Clerk in consultation with the President or committee of Council created for that purpose.

B. The proposed agenda for an emergency meeting of the Council shall be prepared by the City Clerk in consultation with the President.

C. The proposed agenda for any regular meetings shall be forwarded to all members of the Council at least two days prior to the stated meeting and shall be posted two days prior to the meeting on the City's web site. Sufficient copies of the agenda must be available prior to the beginning of the meeting.

D. The title of any ordinance or resolution to be considered shall be published as part of the agenda.

E. The published agenda may be amended at the meeting by a majority of members present, plus one, immediately after roll call. No matters other than those on the agenda as amended shall be acted upon by the Council.

§ 5-208. Rules of procedure.

(4) Rule No. 4. Legislation.

(a) No rule, *matter*, bill or resolution shall be considered by Council unless a written *memorandum, brief*, resolution or bill is delivered to the City Clerk by *noon on the Wednesday preceding the meeting where the matter or legislation is to be considered, introduced or enacted/adopted by Council.* ~~before the end of the business day of the scheduled legislative session.~~ The City Clerk shall furnish to the Mayor and all members of Council copies of all proposed resolutions and ordinances *by posting the agendas on the web site.*

(b) Legislation referred to or being considered by a Council Committee must be returned to the full body of Council for consideration with either a positive or negative recommendation. If the legislation is not returned in this manner, any three Council members may request that the full body, at a regular business meeting, consider the legislation.

Section 2. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Section 3. Any and all ordinances which are contrary to the amendment are hereby repealed.

Enacted by Council _____, 2013

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____



AGENDA MEMO CITY COUNCIL OFFICE

TO: City Council
FROM: Linda A. Kelleher, City Clerk
MEETING DATE: October 14, 2013
AGENDA MEMO DATE: September 30, 2013
RECOMMENDED ACTION: Correct the Administrative Code by eliminating the need to hold an organizational meeting during the first meeting of each year.

RECOMMENDATION: Correct the conflict in the Administrative Code requiring the need for City Council to hold an annual organizational meeting, as the Vice President and Council Committees serve over a two (2) year period. The Charter does not require an organizational meeting. The Charter Section 212 Procedures (b) states that "Council shall hold a regular meeting at least twice each month in the evening on a day and place as Council may prescribe by rule."

BACKGROUND: Section 5-203 A of the Administrative Code requires Council to hold an organizational meeting on the first Monday of each year. However, Section 5-203 B requires Council to elect a Vice President for a two year term. Section 5-210 D states that committee assignments are also for a two year term. The Charter does not require an organizational meeting. The language in the Administrative Code that requires an organizational meeting comes from the original version drafted by the Transition Committee and adopted by Council in June of 1996.

Charter Section 212 Procedures (b) states that "Council shall hold a regular meeting at least twice each month in the evening on a day and place as Council may prescribe by rule."

RECOMMENDED BY: City Clerk

BILL NO. ____-2013

AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE, CHAPTER 5, SECTION 203 ORGANIZATION MEETING: ELECTION OF OFFICERS, BY CORRECTING THE CONFLICT REGARDING THE REQUIREMENT FOR COUNCIL TO HOLD AN ANNUAL ORGANIZATION MEETING.

The Council of the City of Reading hereby ordains as follows:

Section 1. Amending the Administrative Code, Chapter 5, Section 203 Organization Meeting as follows:

§ 5-203. Organization meeting; election of officers.

A. The organization meeting of the Council shall be the first meeting in each year *following a municipal election*. ~~In years following a municipal election, the day and time of the swearing-in ceremony shall be determined by the Council, including Council members elect and those whose terms continue into the new year.~~

B. At the organization meeting following a municipal election, Council shall elect a Vice President and other such officers as the Council may deem appropriate to serve a two-year term.

Section 2. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Section 3. Any and all ordinances which are contrary to the amendment are hereby repealed.

Enacted by Council _____, 2013

President of Council

Attest:

City Clerk

BILL NO. _____-2013

A N O R D I N A N C E

**AN ORDINANCE AMENDING THE CITY CODE BOOK, CHAPTER 508,
PART 700 RELATING TO STREET CUTS.**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS
FOLLOWS:**

SECTION 1. Amending the City Code Book, Chapter 508, Part 700 relating to street cuts, as set forth in Exhibit A attached hereto and made a part hereof.

SECTION 2. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted _____, 2013

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

STREETS AND SIDEWALKS

§ 508-701. Purpose.²⁰

No person, firm or corporation shall break the pavement or surface of any legally open street, between the curblines thereof, until a permit is obtained from the Department of Public Works.

§ 508-702. Application.

A. Applications to break the pavement or surface of any legally open streets shall be made on the form provided by the Department of Public Works, shall include all information requested and shall be signed by the applicant.

B. Applications shall also be accompanied by a permit fee, as provided in Chapter 212, Fees, and a payment to defray the cost of street restoration by the City of Reading in accordance *with* Chapter 212, Fees, unless otherwise stipulated.

§ 508-703. Charged surface.

In computing the square yards of the surface to be charged, ~~nine~~ *twelve* inches shall be added to all sides of the proposed cut. All fees and charges shall be paid or a legally binding letter of agreement accepted by the City before the issuance of the requested permit.

§ 508-704. Permits for pavement cuts.

Permits for pavement cuts on streets paved within ten (10) years from the date of application for the cut shall be issued at the following additional costs; 100% additional for the current year *through the fifth year; and 80% additional for years six through ten.* ~~and the first year; 80% additional second year; 60% additional for third year; 40% additional for fourth year; and 20% additional for the fifth year of service.~~

§ 508-705. Site conditions.

Where in the opinion of the Director of Public Works and at his sole discretion site conditions are such that additional effort is required to protect the integrity of the City's streets, the permittee may be required to perform additional work and pay additional costs. This option could include permanent restoration of the street surface by the applicant along with payment of all above stipulated fees and charges; or the reconstruction and/or street break or cut at the permittee's expense. Where additional work is required, a legally binding "letter of agreement" acceptable to the City shall be provided by the applicant before issuance of the permit. Applications to break the pavement or surface of any legally open streets shall be made on the form provided by the Department of Public Works, shall include all information requested and shall be signed by the applicant.

§ 508-706. Inspection.²²

Upon inspection, if it be determined that the applicant actually removed, disturbed or damaged, either in the initial or subsequent restoration, an area of yardage greater than that set forth in his/her application, the applicant shall forthwith pay a proportionate amount to be fixed by the Department of Public Works, within three days after demand thereof shall be made in writing.

§ 508-707. Permits.

No permit shall be issued to any person, firm or corporation indebted to the City because of any previous application or permit. This permit is issued subject to all ordinances of the City of Reading, all state and federal laws and to the following conditions:

A. Bore holes. Bore holes will be considered street cuts and a charge of ~~\$5~~ *specified in Chapter 212, Fees*, will be levied for each bore hole made. A permit will be required for each

bore hole grouping. The applicant shall plug or seal bore holes, in a manner and with materials approved by the Director of Public Works, to the street surface within 30 days of boring. If the applicant does not plug or seal these holes within the given time, the City of Reading reserves the right to take any steps deemed necessary to repair the street and the associated costs shall then be paid by the permittee.

B. Emergency cuts. Emergency street cuts and excavation required to access leaking utility mains or other installations that pose a potential hazard, or bore holes required to search out threatening conditions, may be made in advance of a permit at the discretion of the party or parties conducting the investigation and repairs. If the investigation indicates an emergency condition exists, the City's Police Division shall be notified immediately at (610) 655-6111; otherwise, an authorized representative of the responsible party(ies) shall notify the Department of Public Works the next business day, and proper application accompanied by appropriate fees or a legally binding letter of agreement shall be submitted to the City within seven days of commencing the work.²³

C. Ahead of paving permit. Permits for street cuts performed in advance of City of Reading scheduled street improvements at the same location, where the required work is completed in accordance with a schedule approved by the Director of Public Works, will be charged at the rate of ~~\$10 per block and/or street intersection~~ ***specified in Chapter 212, Fees***. A detailed construction plan must accompany each application for an "Ahead of Paving Permit." Excavation, backfilling and temporary street cut restoration will be performed by the permittee at his/her cost as directed by the Director of Public Works.

D. Subsurface plans. Upon completion of work, the permittee shall furnish to the Director of Public Works completely dimensioned plans showing accurately and distinctly, and in such detail as required, the size, shape and kind of structure he/she has installed or altered and its location with reference to the street surface and the nearest curbline and curb intersection. No refunds will be allowed until such plans have been furnished and accepted.

E. Time limit. In case the work has not been completed on or before the date as shown on the permit, the Director of Public Works may, if he deems it advisable, take steps to backfill the trench and replace a permanent pavement over the opening for which the permit had been issued. If an extension of time beyond said date is necessary for the completion of the work, a written application therefor must be filled, and if an extension be granted, ***upon payment of*** an additional fee ~~of \$10 per month, or a fraction thereof, will be charged~~ ***as specified in Chapter 212, Fees***.

F. Excavation; notice. Pennsylvania law (Act No. 172, effective June 10, 1987)²⁴ requires those who intend to excavate, demolish or blast to file certain notices (One Call, etc.) before commencing work. Applicants for permits to break the pavement or surface of any legally open street shall comply with all the requirements of this Act and the City of Reading permits issued where this obligation has not been met shall be deemed null and void.

G. Trenches in paved areas shall be cut to a neat edge using an asphalt/concrete saw or jackhammer.

H. Barricade cover and lighting. All street openings shall be completely barricaded and protected by the permittee. Excavations left open or incompletely repaired after dark shall be marked by PennDOT-approved flashing lights. Where work is interrupted, the person responsible for the opening shall secure and cover the excavation with an appropriate metal plate. Nothing contained in this Part or other legislation of the City of Reading shall release the person or persons opening the street from all liability associated with claims for injury or damage resulting therefrom.

I. Backfilling. Materials excavated in conjunction with street cuts should be promptly hauled away and shall be removed before nightfall. The permittee shall arrange for the immediate repair of the affected utility and backfill the trench without delay. Backfill material shall consist of 2A modified stone placed and properly tamped or vibrated in six-inch lifts to within two inches of the abutting surface unless other materials and procedures are specifically approved by the Director of Public Works.

J. Paving restoration. Immediately following backfilling and compaction, the permittee shall apply ID-2A bituminous surface material (or cold patch if hot mix is not available) to a minimum depth of two inches and compacted to the level of the abutting surface. The surface material shall be tamped with a gravity roller or vibrating compactor subject to the approval of the Director of Public Works. The permittee shall maintain the restoration by re-excavating and/or applying additional surface material in order to provide a smooth-riding surface for a period of one year after restoration or until the City provides a permanent surface repair. Repairs shall be made by the permittee within 24 hours' notice by the City, and by accepting a street cut permit, the permittee acknowledges his/her liability for maintenance of the cut whether or not he/she is notified by the City to perform additional work.

K. Notice to begin work. The Department of Public Works shall be notified when the Opening in the pavement is to be made, and shall be further notified when a cut is to be backfilled and completed, so that the proper instructions may be issued for permanent pavement replacement.²⁵

L. Work for the City of Reading. Permit will be required of contractors doing work of this nature for the City of Reading although all regular fees and charges for said work are waived.

M. Work to conform to the City of Reading standards. The work shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the City of Reading. If the City of Reading discovers that the work has been discontinued or has not been properly performed, the permittee, upon being notified thereof in writing by the City of Reading, shall immediately take all necessary steps, at his or her own expense, to place the work in such condition, as to conform to the City's requirements or standards. If a dispute arises between the permittee and the City of Reading's inspector, the City of Reading's inspector shall have the authority to suspend work until the matter can be referred to and be decided by the City's Engineer.

N. Additional inspection fees. If the City of Reading determines that the permitted work is

of sufficient magnitude or importance to warrant assignment of one or more employees to inspect the permitted work on a more than spot-inspection basis, the permit will so indicate and the permittee shall be charged for all salary, overhead and expenses incurred by the City of Reading for inspection.

§ 508-708. Violations and penalties.

Any person, firm or corporation who breaks or cuts in any manner the surface of any street of the City without first having obtained the proper permit and paid the application fee and charges hereinbefore set forth, including any extension fee, or violates any of the other provisions of this section shall, upon conviction before Magisterial District Judge, be sentenced to pay a fine not exceeding \$300 for each offense, plus costs; and in default of the payment of such fine and costs, said person and/or the responsible agents or officers of firms or corporations, violating the provisions of this section, shall be imprisoned in the Berks County Prison for a period not exceeding 90 days.

BILL NO. _____
AN ORDINANCE

AN ORDINANCE AMENDING THE MUNICIPALITIES FINANCIAL RECOVERY ACT RECOVERY PLAN FOR THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA (AS FILED WITH THE CITY CLERK ON MAY 28, 2010, AND ENACTED INTO LAW UNDER BILL NO. 26 OF 2010 ON JUNE 11, 2010 AND BILL NO 126 OF 2012, ON NOVEMBER 20, 2012).

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Municipalities Financial Recovery Act Plan for the City of Reading, Berks County, Pennsylvania, enacted into law under Bill No. 26 of 2010 on June 11, 2010 and Bill No. 126 of 2012 (aka "Plan"), shall be and is hereby ***amended to provide for a non-resident income tax of a 1.2% (a reduction of 0.1%) in the calendar year 2014 and to provide a resident Home Rule earned income tax of 1.5% (a reduction of 0.1%) in the calendar year 2014.***

SECTION 2. All other items, parts, sections, etc. of the Municipalities Financial Recovery Act Plan for the City of Reading, Berks County, Pennsylvania, enacted under Bill No. 26 of 2010 on June 11, 2010, shall remain in effect unchanged and likewise are ratified.

SECTION 3. This ordinance shall be effective ten (10) days after its passage and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2013

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

**Act 47 Recovery Plan October 2, 2013
City of Reading**

Plan Amendment

With the exception of the amendment noted below, the Recovery Plan as filed May 28, 2010 shall continue in full force and effect.

RE08. Temporarily expand earned income tax

Target outcome: Increased revenue

Responsible party: Finance Department

To assist in addressing the structural imbalance, the City shall enact a temporary increase in the Earned Income Tax (EIT) rate for residents and a temporary earned income tax on non-residents who work in the City (i.e. "commuters").

For residents the City shall increase its earned income tax rate by 0.4 percent in 2011, bringing the City's levy to 2.10 percent. In 2012 the City shall reduce its EIT rate on residents to 1.9 percent.

In 2013 the City shall increase its EIT rate on residents by 0.20 percent to 2.10 percent with the associated revenue from the 0.20 percent increase restricted to helping the City make its annual required contributions to the employee pension funds. In 2014 the City shall reduce the EIT rate on residents to 2.00 percent including 0.10 percent to support the City's pension contribution.

The additional amount of tax revenue associated with this initiative shall not be subject to sharing with the Reading School District or any other governmental entity. The table below summarizes these changes and shows the total earned income tax rate for residents based on the current School District levy of 1.5 percent.

Earned Income Tax Rate - Residents

2010	1.70%	1.50%	3.20%
2011	2.10%	1.50%	3.60%
2012	1.90%	1.50%	3.40%
2013	2.10%	1.50%	3.60%
2014	2.00%	1.50%	3.50%

For non-residents, the City shall petition the Court of Common Pleas of Berks County, pursuant to Section 141 of Act 47, to increase the rate of earned income taxation upon non-residents by 0.3 percent in 2011. The crediting provisions of Act 511 provide for the home jurisdiction of nonresidents to have first preference on the tax imposed on their residents up to their amount so imposed. The additional amount of tax revenue resulting from the City's non-resident EIT rate shall not be subject to sharing with the Reading School District or any other governmental entity. In 2012 the City shall reduce its EIT rate on non-residents to 0.1 percent. In 2013 the City shall increase its EIT rate on non-residents by 0.20 percent with the associated revenue from the 0.20 percent increase restricted to helping the City make its annual required contributions to the employee pension funds.

While the City intended to eliminate the non-resident EIT rate by 2014, the rising pension contributions necessitate that it be extended through December 31, 2014. In 2014 the City's EIT rate on non-residents shall be 0.20 percent with the associated revenue restricted to helping the City make its annual required contribution to the employee pension funds. The table below summarizes these changes assuming that the non-resident's home jurisdiction has an earned income tax rate of 1.0 percent.

Earned Income Tax Rate – Non-Residents

2010	0.00%	1.00%	1.00%
2011	0.30%	1.00%	1.30%
2012	0.10%	1.00%	1.10%
2013	0.30%	1.00%	1.30%
2014	0.20%	1.00%	1.20%

Every other provision from the Recovery Plan as filed on May 28, 2010 remains in full force and effect.

BILL NO. _____-2013

A N O R D I N A N C E

**AN ORDINANCE AMENDING THE CITY CODE BOOK, CHAPTER 396,
CREATING A NEW PART 500 MEMORIAL STRUCTURES ON PUBLIC PROPERTY
THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS
FOLLOWS:**

SECTION 1. Amending the City Code Book, Chapter 396, by creating a new Part 500 to address the placement and maintenance of memorial structures on public property, as attached in Exhibit A.

SECTION 2. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted _____, 2013

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

PART 5

MEMORIAL STRUCTURES ON PUBLIC PROPERTY

§ 396-501. Evaluation of Proposed Monuments, Statuary, Markers and Plaques.

(a) Any organization or entity wishing to place upon public property an inanimate monument, statue, marker or plaque (the memorial structure) for the purpose of memorializing an individual, group, or event, shall submit such proposal to the Director of Public Works.

(b) A Memorial Review Committee (the MRC) shall have the responsibility of reviewing each such proposal. The Committee shall be composed of the Historic Preservation Specialist, a City Planner, the Public Works Operations Division Manager, the City

Clerk; and the Director of the Berks County Office of Veterans Affairs. The Director of Public Works shall appoint a MRC chairperson from the membership.

- (c) The MRC shall provide a written evaluation of each proposal based on the following factors: the suitability of the proposed location of the memorial structure; the appropriateness of the design thereof; the appropriateness and anticipated longevity of the proposed material comprising the memorial; the proposers' plan and ability for long-term maintenance and upkeep of the memorial; and provisions for insuring the memorial against damage, vandalism and disrepair. In addition, if the proposed location of a memorial structure has been subject to a master- or comprehensive-planning initiative, the proposed memorial should be in comport with any such valid plan. The MRC shall provide this written evaluation to City Council with a recommendation.
- (d) At its discretion, the MRC may request the approval for or advice of a proposed memorial structure from the Planning Commission.
- (e) Any proposed memorial structure located within or immediately adjacent to a designated historic or conservation district shall be subject to the advance approval of the Historic Architectural Review Board.
- (f) Approval of the placement or relocation of any memorial structure shall require the approval of City Council.

§ 396-502. Maintenance of Existing Memorial Structures.

- (a) It shall be the policy of the City of Reading that the maintenance and upkeep of any memorial structure shall be the responsibility of the entity placing such approved structure on public property. A plan for the perpetual care thereof shall be specified in a memorandum of understanding to which the Director of Public Works shall be a party.
- (b) In the event a memorial structure falls into disrepair and is not promptly repaired, at the sole discretion of the Director of Public Works, the city may remove such structure and dispose of it.
- (c) The MRC shall have purview over existing memorial structures and may promulgate policies and programs that encourage their perpetual care, upkeep and repair with little or no public expense.

§ 396-503. A Moratorium

The Council of the City of Reading places a moratorium on the placement of any additional memorial structure on public lands. The moratorium shall commence on December 1, 2013 and shall continue until such date when the Council may chose to rescind this section.



AGENDA MEMO CITY COUNCIL OFFICE

TO: City Council
FROM: Linda A. Kelleher, City Clerk
MEETING DATE: October 28, 2013
AGENDA MEMO DATE: October 16, 2013
RECOMMENDED ACTION: Correct the conflict in the Administrative Code Exhibit A Purchasing Policies and Procedures regarding awards of contract approvals.

RECOMMENDATION: Correct the conflict in the Administrative Code Exhibit A Purchasing Policies regarding the awarding of contract approvals.

BACKGROUND: On February 27, 2012 Council enacted an ordinance that reduces “all expenditures and allocations of ~~\$50,000~~ \$25,000 or more from and to any and all agency funds and any and all line-items falling in the Departmental and Non Departmental area of the General Fund”, which impacts the approval of awards of contract. However, currently the Purchasing Policies state the following:

- 11.4. 5 The Mayor shall have final approval of contract under \$50,000.
- 11.4.6 City Council shall award or reject all contracts exceeding \$50,000.

BUDGETARY IMPACT: None

PREVIOUS ACTION: None

SUBSEQUENT ACTION: None

RECOMMENDED MOTION: Amend the Administrative Code Purchasing Policies by reducing the amount required for contract approvals to bring it into compliance with the expenditure reduction approved by Bill No.14-2012.

BILL NO. ____-2013

AN ORDINANCE AMENDING THE AMEND THE ADMINISTRATIVE CODE EXHIBIT A PURCHASING POLICIES AND PROCEDURES, SECTION 11 BID EVALUATION, PART 11.4.5 AND 11.4.6, BY REDUCING THE AMOUNT REQUIRED FOR CONTRACT APPROVALS TO BRING IT INTO COMPLIANCE WITH THE EXPENDITURE REDUCTION APPROVED IN BILL NO. 14-2012.

The Council of the City of Reading hereby ordains as follows:

Section 1. Amending the Administrative Code, Exhibit A Purchasing Policies And Procedures, Section 11 Bid Evaluation, Part 11.4.5 And 11.4.6, by reducing the amount required for contract approvals to bring it into compliance with the expenditure reduction approved in Bill No. 14-2012 as follows:

Section 11 Bid Evaluation and Award

11.4 Bid Award.

11.4.1 It is the policy of the City to make awards to the vendor who meets the specifications for the items or services to be purchased at the lowest cost. Factors such as delivery time, quality, operating and maintenance costs, service, etc., as well as initial price, should be taken into consideration in determining the lowest cost vendor.

11.4.2 The department director shall review all bids and make a recommendation to the purchasing manager by completing the "Recommendation to Award Contract" form.

If the purchasing manager does not agree with the recommendation of the department director, the award will be referred to the purchasing committee for determination.

11.4.3 The Director of Finance shall review the recommendation to ensure an award is compatible with the budget.

11.4.4 The Managing Director shall approve all recommendations.

11.4.5 The Mayor shall have final approval of contract under ~~\$50,000~~ **\$25,000**.

11.4.6 City Council shall award or reject all contracts ~~exceeding \$50,000~~ **that are \$25,000 or more.**

11.4.7 A purchase order shall be initiated after the contract award; however, it shall not be issued until the contract documents have been finalized.

11.4.8 The successful vendor, after receiving the contract documents, has 10 working days to sign and return with the necessary bonds.

11.4.9 If the selected vendor fails to deliver a bond or items bid within the time limits specified, the purchasing manager may choose to recommend rescinding the award and readvertise for bids. In such event, the delinquent bidder shall be responsible for the costs of rebidding and the amount of any increase in the contract price thereby resulting. The purchasing manager shall properly document the action, the reasons for

the action and retain the vendor bid surety not as a penalty, but as liquidated damages for inability to comply with the contractual agreement.

Section 2. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Section 3. Any and all ordinances which are contrary to the amendment are hereby repealed.

Enacted by Council _____, 2013

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL No. _____ - 2013

AN ORDINANCE

AN ORDINANCE AMENDING THE 2013 CITY OF READING GENERAL FUND BUDGET BY AUTHORIZING THE TRANSFER OF FUNDS FROM {*Department of Fire & Rescue Services and [01-09-33-4728 Explorer Post \$1200.00] & [01-09-33-4802 Machinery & Equipment \$9250.00]*} LINE ITEM TO {*Department of Fire & Rescue Services and [01-09-33-4510 General Plant Supplies \$10,450.00]*} LINE ITEM {*Fire Code Inspection Software*}

Section 1. Amending the City of Reading 2013 {*DEPARTMENT OF FIRE & RESCUE SERVICES*} Budget by authorizing the transfer of a total of \$10,450.00 in the {*EXPLORER POST \$1200.00 and MACHINERY & EQUIPMENT \$9250.00*} line item #01-09-33-4728 & #01-09-33-4802 to the {*GENERAL PLANT SUPPLIES*} line item #01-09-33-4510.

Section 2. This Ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted:

_____, 2013

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

BILL NO. _____-2013

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE CITY OF READING AND THE MUHLENBERG TOWNSHIP AUTHORITY THEREBY CONVEYING UNTO THE MUHLEN-BERG TOWNSHIP AUTHORITY A NON-EXCLUSIVE, PERPETUAL EASEMENT IN GROSS UPON THAT PORTION OF PREMISES KNOWN AS TAX PARCEL # 66531810461680, AND GENERALLY LOCATED TO THE NORTHEAST OF SPRING VALLEY ROAD, MUHLENBERG TOWNSHIP, BERKS COUNTY, PENNSYLVANIA.

WHEREAS, the City of Reading is the legal owner of certain real property situate northeast of Spring Valley Road, Muhlenberg Township, Berks County, Pennsylvania, with tax parcel # 66531810461680, and more particularly described in a certain deed appearing in the Office of the Recorder of Deeds in and for Berks County, Pennsylvania, in Record Book Vol. , at Page ; and

WHEREAS, pursuant to a Municipal Improvements Agreement dated April 11, 2013 and an Addendum thereto by and between the Muhlenberg Township Authority and Montgomery Acquisition Co., LLC, certain sewer system improvements will be installed on certain premises a portion thereof which is real property of the City of Reading described above and said sewer system improvements will be dedicated to the Muhlenberg Township Authority; and

WHEREAS, the City of Reading is willing to grant to the Muhlenberg Township Authority a perpetual easement and temporary sanitary sewer construction easement in connection with said parcel for such purpose.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor is authorized to execute an Easement Agreement (attached as Exhibit "A") to convey unto the Muhlenberg Township Authority a non-exclusive, perpetual easement in gross and temporary sanitary sewer construction easement upon that portion of premises known and designated as Tax Parcel # 66531810461680, generally located to the northeast of Spring Valley Road, Muhlenberg Township, Berks County, Pennsylvania, as shown on Plan of McCarthy Engineering Associates, Inc., dated April 30, 2013 and/or October 1, 2013 (see attached Exhibit "A").

SECTION 2. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2013

President of Council

Attest:

City Clerk

(LAW DEPT.)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____



AGENDA MEMO CITY COUNCIL OFFICE

TO: City Council
FROM: Shelly Katzenmoyer, Deputy City Clerk
MEETING DATE: October 28, 2013
AGENDA MEMO DATE: October 23, 2013
RECOMMENDED ACTION: Amend the rain barrel regulations to make the overflow consistent with pre-manufactured rain barrels

RECOMMENDATION: Correct the conflict in the rain barrel regulations to make the regulations consistent with pre-manufactured rain barrels

BACKGROUND: The Environmental Advisory Council prepared the rain barrel regulations which were passed by Council in 2012. At that time, the EAC followed the recommendations of City staff in establishing a 2" overflow. However, in practicality all pre-manufactured rain barrels are standardized to a 1" overflow which connects to a garden hose.

BUDGETARY IMPACT: None

PREVIOUS ACTION: None

SUBSEQUENT ACTION: None

RECOMMENDED MOTION: Amend the rain barrel regulations to make them consistent with pre-manufactured rain barrels

ORDINANCE NO. ____-2013

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES,
CHAPTER 438 RAIN BARRELS SECTION 438-8 SPECIFICATION BY CHANGING
THE SIZE OF THE OVERFLOW**

SECTION 1: Amending the City of Reading Code of Ordinances Chapter 438 Rain Barrels Section 438-8 Specifications Letter F by changing the size of the overflow to 1”:

§ 438-8. Specifications.

- A. Rain Barrels may be ready-made or self-fabricated of durable fiberglass, polypropylene, resin, recycled steel or wood.
- B. Wooden Rain Barrels must be lined.
- C. Recycled Rain Barrels may not have been previously used as containment vessels for substances regulated by the Toxic Substances Control Act, 15 U.S.C. §2601 *et seq.*
- D. All interior surfaces of a recycled Rain Barrel must be washed clean with soap and water before the Rain Barrel is put into service.
- E. Every Rain Barrel must be equipped with an automatic storm water diverter or automatic overflow system so that when the Rain Barrel is full, rainwater is either diverted back into the Collecting Structure’s downspout system, or away from the foundation of the Collecting Structure by way of an overflow hose and into a drainage swale. No drainage from an overflow hose shall discharge upon any neighboring property.
- F. Overflow piping must be at least 2 1/2” in diameter.
- G. Rain Barrels must be equipped with a mosquito-proof screen on the lid and over the flow hole, constructed of corrosion resistant wire or other approved mesh.
- H. Lids on Rain Barrels must be securely fastened to prevent access by small children and animals.
- I. Rain Barrels fabricated from fiberglass, polypropylene and resin must be opaque in color to inhibit algae growth.
- J. The exterior of a Rain Barrel shall not be painted or decorated in such a manner that is inconsistent with the surrounding area or offensive to the general senses of neighboring properties and neighboring property owners.
- K. Where not inconsistent with the standards set forth herein, Rain Barrels shall otherwise conform to the standards for Rain Barrel design, construction and operation set forth in the guidance document *Rainwater Catchment Design and Installation Standards*, published on January the 20th, of 2009 by the American Rainwater Catchment Systems Association and the American Society of Plumbing Engineers.

SECTION 2: All relevant ordinances, policies and regulations of the City of Reading not amended shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this Ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: This ordinance shall become effective within ten (10) days in accordance with Charter Section 219.

Enacted _____, 2013

Council President

Attest:

City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

CITY OF READING
BERKS COUNTY, PENNSYLVANIA

RESOLUTION

NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA AUTHORIZING THE PROPER OFFICERS OF THE CITY TO PETITION THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA, FOR PERMISSION TO IMPOSE A NONRESIDENT EARNED INCOME TAX IN THE AMOUNT NOT TO EXCEED ONE AND THREE TENTHS PERCENT (1.3%); AUTHORIZING INCIDENTAL ACTION; AND REPEALING INCONSISTENT RESOLUTIONS.

WHEREAS, the City of Reading, Berks County, Pennsylvania (the “City”), has begun its 2014 budget process through Mayor Vaughn D. Spencer’s submittal of his proposed budget to City Council; and

WHEREAS, the City of Reading is currently in Act 47 status and subject to a certain Municipalities Financial Recovery Act Recovery Plan; and

WHEREAS, the proposed budget includes projected revenue from a nonresident earned income tax which is currently imposed by the City of Reading; and

WHEREAS, the City has determined to apply by Petition to the Court of Common Pleas of Berks County, Pennsylvania, for the purpose of obtaining permission to reimpose a nonresident earned income tax through an appropriate ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY
AS FOLLOWS:

The City hereby approves the form of Petition presented to this meeting (which shall be filed with the records of the City), requesting authority from the Court of Common Pleas of Berks County, Pennsylvania, to implement and/or impose a nonresident earned income tax (EIT) in the amount not to exceed one and three tenths percent (1.3%) by an appropriate ordinance. A copy of the form of the Petition is attached hereto and incorporated herein as Exhibit "A".

The City hereby authorizes Charles D. Younger, Esquire, or his designee to represent the City for the nonresident EIT proceedings.

The proper officers of the City are authorized to sign and acknowledge the Petition in substantially the form approved in Section 1.

The proper officers of the City are hereby authorized and directed to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effectuate the imposition of the nonresident EIT.

All prior resolutions or parts thereof inconsistent herewith are hereby repealed.

IN WITNESS WHEREOF, we, officers of the City of Reading, Berks County, Pennsylvania, have hereunto set our hands and seal of the City, duly attested this 28th day of October, 2013.

Attest:

CITY OF READING
Berks County, Pennsylvania

By: _____
Linda A. Kelleher CMC, City Clerk

Francis Acosta, President of Council

(SEAL)

Exhibit "A"

Form of Petition

IN RE: : **IN THE COURT OF COMMON**
 : **PLEAS OF BERKS COUNTY**
IMPOSITION OF NONRESIDENT : **COMMONWEALTH OF PENNSYLVANIA**
EARNED INCOME TAX OF THE CITY : **NO. _____ OF 2013**
OF READING, BERKS COUNTY, :
PENNSYLVANIA :

**PETITION FOR PERMISSION
TO IMPOSE A NONRESIDENT INCOME TAX**

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petitioner is the City of Reading, Berks County, Pennsylvania (the "Petitioner"), with offices at 815 Washington Street, Reading, Pennsylvania 19601. This Petition is authorized by a Resolution of the Petitioner, duly adopted on October 28, 2013, a copy of which is attached hereto and incorporated herein as Exhibit "A".

The Petitioner avers that the proposed 2014 budget includes revenue from a nonresident earned income tax not to exceed one and three tenths percent (1.3%) which is currently imposed and needs to be reimposed to achieve budget goals.

The City is under Act 47 and subject to the Municipalities Financial Recovery Act Recovery Plan ("Recovery Plan") adopted by the Petitioner which includes imposition or increase in the nonresident earned income tax to obtain revenue and achieve plan goals.

The Petitioner has determined that imposition of the nonresident earned income tax will provide the Petitioner with a means for increasing its revenue and assist in its conforming with the Recovery Plan.

WHEREFORE, the Petitioner prays your Honorable Court to issue an order granting permission to impose a nonresident earned income tax not to exceed one and three tenths percent (1.3%) upon earned income of nonresidents who work within the Petitioner's

geographical limits.

CITY OF READING
Berks County, Pennsylvania

Mayor

CITY OF READING
BERKS COUNTY, PENNSYLVANIA

RESOLUTION

NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA AUTHORIZING THE PROPER OFFICERS OF THE CITY TO PETITION THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA, FOR PERMISSION TO IMPOSE A NONRESIDENT EARNED INCOME TAX IN THE AMOUNT NOT TO EXCEED ONE AND TWO TENTHS PERCENT (1.2%); AUTHORIZING INCIDENTAL ACTION; AND REPEALING INCONSISTENT RESOLUTIONS.

WHEREAS, the City of Reading, Berks County, Pennsylvania (the “City”), has begun its 2014 budget process through Mayor Vaughn D. Spencer’s submittal of his proposed budget to City Council; and

WHEREAS, the City of Reading is currently in Act 47 status and subject to a certain Municipalities Financial Recovery Act Recovery Plan; and

WHEREAS, the proposed budget includes projected revenue from a nonresident earned income tax which is currently imposed by the City of Reading; and

WHEREAS, the City has determined to apply by Petition to the Court of Common Pleas of Berks County, Pennsylvania, for the purpose of obtaining permission to impose a nonresident earned income tax through an appropriate ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY AS FOLLOWS:*The City hereby approves the form of Petition presented to this meeting (which shall be filed with the records of the City), requesting authority from the Court of Common Pleas of Berks County, Pennsylvania, to implement and/or impose a nonresident earned income tax (EIT) in the amount not to exceed one and two tenths percent (1.2%) by an appropriate ordinance. A copy of the form of the Petition is attached hereto and incorporated herein as Exhibit “A”. The City hereby authorizes Charles D. Younger, Esquire, or his designee to represent the City for the nonresident EIT proceedings. The proper officers of the City are authorized to sign and acknowledge the Petition in substantially the form approved in*

Section 1.

The proper officers of the City are hereby authorized and directed to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effectuate the imposition of the nonresident EIT.

All prior resolutions or parts thereof inconsistent herewith are hereby repealed.

IN WITNESS WHEREOF, we, officers of the City of Reading, Berks County, Pennsylvania, have hereunto set our hands and seal of the City, duly attested this 28th day of October, 2013.

Attest:

CITY OF READING
Berks County, Pennsylvania

By: _____
Linda A. Kelleher CMC, City Clerk Francis Acosta, President of Council

(SEAL)

Exhibit "A"

Form of Petition

IN RE: : **IN THE COURT OF COMMON**
 : **PLEAS OF BERKS COUNTY**
 : **COMMONWEALTH OF PENNSYLVANIA**
 IMPOSITION OF NONRESIDENT : **NO. _____ OF 2013**
 EARNED INCOME TAX OF THE CITY :
 OF READING, BERKS COUNTY, :
 PENNSYLVANIA :

**PETITION FOR PERMISSION
TO IMPOSE A NONRESIDENT INCOME TAX**

TO THE HONORABLE, THE JUDGES OF SAID COURT:

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The Petitioner avers that the proposed 2014 budget includes revenue from a nonresident earned income tax not to exceed one and two tenths percent (1.2%) which is less than currently imposed and needs to be imposed to achieve budget goals.

The City is under Act 47 and subject to the Municipalities Financial Recovery Act Recovery Plan ("Recovery Plan") adopted by the Petitioner which includes imposition or increase in the nonresident earned income tax to obtain revenue and achieve plan goals.

The Petitioner has determined that imposition of the nonresident earned income tax will provide the Petitioner with a means for increasing its revenue and assist in its conforming with the Recovery Plan.

WHEREFORE, the Petitioner prays your Honorable Court to issue an order granting permission to impose a nonresident earned income tax not to exceed one and two tenths percent (1.2%) upon earned income of nonresidents who work within the Petitioner's

geographical limits.

CITY OF READING
Berks County, Pennsylvania

Mayor